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Consults 3.

THE  
BRITISH CONSUL'S MANUAL:

BEING

A Practical Guide for Consuls,

AS WELL AS FOR

THE MERCHANT, SHIPOWNER, AND MASTER MARINER,

IN ALL THEIR CONSULAR TRANSACTIONS.



BY E. W. A. TUSON,

OF THE INNER TEMPLE;

CHANCELLOR OF THE IMPERIAL AUSTRIAN CONSULATE-GENERAL IN LONDON.

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"HONORUM POPULI FINIS EST CONSULATUS."—*Cicero*.

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LONDON:  
LONGMAN AND CO., PATERNOSTER-ROW.  
1856.

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A. TUSON.

[ *The Author reserves to himself the right of translation.* ]

LONDON:  
PRINTED BY WILLIAM TYLER,  
BOLT-COURT, FLEET STREET.

TO THE HONORABLE

LIONEL NATHAN, BARON DE ROTHSCHILD, M.P.

ONE OF THE COMMISSION OF LIEUTENANCY FOR THE CITY OF LONDON, CONSUL-  
GENERAL OF AUSTRIA, ETC., ETC., ETC.

SIR,

Elevated by your many public and private virtues—by your immense erudition in monetary and commercial affairs—to a rank which places you at the head of those merchant princes and bankers, whose vast commercial enterprises have promoted the most vital interests of the greatest nation in the world, it has been a source of peculiar gratification to me, having your kind permission, to inscribe to you this Treatise on a service which is the sole protection of our nation's trade, navigation, and commerce in foreign countries.

Permit me, then, with the utmost deference, to express my sincere wishes that you may long enjoy that high position, and that you may be spared many years to be one of the Representatives of this great City, to which honor you have been so often returned by the universal voice of its electors.

Allow me to subscribe myself,

SIR,

Your most obedient and humble servant,

E. W. A. TUSON.

INNER TEMPLE,

*January 1st, 1856.*



## P R E F A C E.

THE present epoch seemed to me peculiarly to demonstrate the great and urgent necessity there is for a Work of this description, which has been compiled with a view more to practical utility than to the development of historical research. It will be found to be directed to the useful purpose of conveying instruction, and affording reference, in cases which may not unfrequently arise, wherein the Consul, Vice-Consul, Shipowner, Master Mariner, and others, have occasion, even in their ordinary vocation, for the interposition and aid of Consular authority, to be exercised and applied with due regard to international law, and in accordance with the conventions, treaties, and directions of the respective Governments.

While I am averse to indulge in a political essay upon what I may (however reverentially) conceive to be erroneous on the part of those in authority, in adopting the best mode of securing the most honourable and effective discharge of the important duties which devolve upon persons to whom the execution of that part of the public service is confided, I cannot refrain from directing attentive consideration to the necessity of a wise selection of persons to fill the position of Consul.

That the overwhelming responsibility of the creation of a war may attach, with all its fearful consequences, to the performance or non-performance of such duties as are properly within the province of his authority, will justify me abundantly in a brief allusion to the actual requirement that exists for higher qualifications than

would appear to have been hitherto considered as indispensable in a Consular Agent.

Considering the vast importance of the due protection of every branch within the gigantic scope of commerce, trade, navigation, and international enterprise which the British Empire has created, pursued—and, indeed, now actively encourages and promotes in all parts of the habitable globe—surely it becomes well the most enlightened Statesman to devote himself energetically to the amelioration and improvement of the present mode of administration of that part of the public service; and rather to originate a necessary revision of the present course adopted, than wait for the interposition of those who may treat the subject with more rough celerity than would be judicious. Let no one be found who shall be able to exclaim with truth, that the appointments are conferred on persons “favoured, not fitted.”

In what department of the Civil Service is there so much required as of a Consul—and this, when he is in many instances far from his native land, and those from whom he might otherwise obtain counsel and advice? Placed too in a position wherein he must promptly manifest the possession of firmness—a firmness well based on that proper amount of self-reliance resulting alone from a virtuous and manly confidence that he possesses the necessary qualifications for the performance of the duties of his office—duties no less than identical with those of a clergyman, a lawyer, diplomatist, notary, merchant, shipowner, and all persons acting directly, or as agents for others, in the management of the innumerable affairs (many of considerable delicacy) involved in the transactions of so widely diffused and extensive commercial relations—this proposition is of itself so obviously correct that confirmation is unnecessary. Yet the opinion of probably one of the most acute and observant diplomatists of his own or any other age, occurs to me: I may with propriety remind my readers of the very brief allusion of Prince Talleyrand to such duties, which he made while directing attention to Count Rheinhard, an eminent politician, then lately deceased: “Après avoir été un ministre habile, que des choses il faut encore savoir pour être un bon Consul! Car les attributions d’un Consul sont variées à l’infini; elles sont d’un genre tout différent de celles des autres employés des affaires étrangères. Elles exigent une foule de connaissances pratiquées, pour lesquelles une éducation particulière est nécessaire. Les Consuls sont dans le cas



d'exercer, dans l'étendue de leur arrondissement, vis-à-vis de leur compatriotes, les fonctions de juge, d'arbitres, de conciliateurs; souvent ils sont officiers de l'état civil; ils remplissent l'emploi de notaires; quelquefois celui d'administrateurs de la marine; ils surveillent et constatent l'état sanitaire. Ce sont eux qui, par leurs relations habituelles, peuvent donner une idée juste et complète de la situation du commerce, de la navigation, et de l'industrie particulière au pays de leur résidence."

The origin of the appointment of a Consul has been briefly mentioned. I do not conceive further information on this point to be within the purpose for which this volume is intended.

Particular attention is respectfully directed to the Consular Convention between France and the United States; such may well be considered likely to be taken as a precedent for future treaties on the same subject.

The Instructions issued by the Board of Trade are most clear, and justify my omitting the Merchant Shipping Act.

The Consular jurisdiction and duties in the Levant and China have necessarily occupied many pages. They are of so much consequence as to preclude a closer condensation. They require careful perusal; and strict attention is directed to the onerous duties a Consul there is required to perform.

I have supplied a concise view of the Consular privileges, rank, fees, and salaries; the latter being in accordance with a recent statement made by Her Majesty's Government.

In the Appendix is arranged, in Section I., a few points of international and maritime law and insurance. Sections II., III., IV., and V., the Acts of Parliament for the solemnization of marriages abroad, administration of oaths abroad, that relating to bills of lading, and that for the performance of quarantine. Section VI., Consular Forms and notarial precedents, which, together with those in the body of the work, will, I hope, prove of the greatest utility to the Consul. In Section VII. is the Foreign Deserters Act, and a list of the countries to which the same is extended by Order in Council. In Section VIII., the Commercial Treaties and Conventions concluded between Great Britain and foreign countries. As the latter would have, if given *in extenso*, formed several volumes by themselves, they have been arranged on a novel plan—that of giving a formula of the several clauses contained in different treaties of commerce, numbered,

to which numbers the conventions of the several countries are referred. This consolidation necessarily occupied much time and labour, and, I trust, will be deemed acceptable.

A comparative statement of the moneys, weights, and measures of foreign countries, with those of Great Britain, will be found.

I have to request my readers will believe that, in compiling this book—and producing it for sale at so moderate a price, regard being had to the originality of its purpose and effect—I have with great reluctance forborne to yield to the tempting opportunity of indulging in making many remarks which might be considered fairly to attach to so interesting a question, and appurtenant whereto—as much as a military or naval school of training be necessary in those departments respectively—it might be wise to offer the suggestion of educational and qualifying institutions being at once established for that portion of the public service to which this Volume relates.

I thank most sincerely those kind friends who have lent me their assistance in this compilation.

“Whoever thinks a faultless piece to see,  
Thinks what ne’er was, nor is, nor e’er shall be.  
In every work regard the writer’s end,  
Since none can compass more than they intend;  
And if the means be just, the conduct true,  
Applause, in spite of trivial faults, is due.”—POPE.

E. W. A. TUSON.

INNER TEMPLE,  
*January, 1856.*

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THE

# BRITISH CONSUL'S MANUAL.

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## CHAPTER I.

### THE ORIGIN OF CONSULAR INSTITUTIONS.

“Le temps des Ambassadeurs est passé, celui des Consuls est revenu.”—

M. DE CHATEAUBRIAND.

**T**HE word Consul, derived from the Latin *consulere*, to counsel and advise, does not seem to have been employed as an authoritative title until about 509 B.C., at which period the first Consuls elected for the Roman republic were Lucius Junius Brutus and Tarquinius Collatinus, who were nominated every year. The decree appointing them states as follows:—“*Consules appellavit pro regibus ut, consulere se civibus suis debere, meminissent.*”

During the existence of the Roman Empire, the title and authority of Consul appears many times to have been laid aside, and fallen into disuse. In the reign of Julius Cæsar, whose ambition led him to discard it, the purple of the emperor was elevated therefrom; and, indeed, in the year 542, in the reign of Justinian, it was wholly dropped. From this epoch (although this appellation was sometimes annexed to the names of favourite ministers) it almost entirely remained neglected until about the year 1000, when we find this title among the chronicles of the city of Pisa, whose citizens may claim the first merit of having conferred the same upon a person delegated to act with authority for the purpose of aiding and assisting by his counsel and advice the mercantile community of his country. A magistrate so appointed was called a Consul, and we have a direct confirmation of this fact in perusing the statutes of this city, bearing date the year 1169, which vest in them by the name of *Consules marinariorum et mercatorum*, authority to judge

and act judicially in maritime and mercantile causes, as also to give their counsel and advice in such cases when called upon to do so. It was also their duty to further, by every means in their power, the maritime and commercial interests of their country. The following states adopted like institutions, most of them taking the one erected by the Pisans as their example :

Trasi . . . . .	1063	England . . . . .	1215
France . . . . .	1085	Genoa . . . . .	1250
Pistoja . . . . .	1107	Barcelona . . . . .	1279
Messina . . . . .	1145	Hanseatic States . . . . .	1300
Venice . . . . .	1179	Majorca . . . . .	1343
Modena and Lucca . . . . .	1182	Florence . . . . .	1421
Rome . . . . .	1534		

As these Consuls, however, were only magistrates, authorized to act for the maritime and mercantile interests of their several countries, in the harbours of such states; before proceeding to consider the date and authorities which deputed them to reside in foreign countries for the like purpose, we will take into consideration the early institutions which gave rise to the above judicial maritime and mercantile authorities. In doing so, we must direct the attention of our readers to more ancient epochs. As early as 1300 B.C. the ancient Egyptians permitted maritime cases to be decided by the high priest, in a particular temple dedicated to the gods for that purpose. In the years 526—579 B.C., the Carthaginians, Phœnicians, and Tyrians took under their notice the appointment of "*Judicium mercatorium et maritimum*." The most renowned, however, among the ancient mercantile laws is the celebrated *Lex Rhodia*; the Grecians also formed many and celebrated judicial courts for maritime and commercial cases, to which even Demosthenes gave his utmost attention, and the Spartans appointed their *Proxene* for the same purpose. Rome, also, under the Emperor Justinian, delegated persons under the authority of his celebrated code to act with similar power. These institutions, gradually diffusing themselves among all maritime countries, were partly lost sight of during the terrible conflicts which overran the Spartan, Greek, and Roman Empires, and after decaying, and being revived many times, began to manifest a greater probability of spreading amongst the mercantile community of the world.

During the years 1000—1400, there were many laws relating thereto decreed among the West Goths and the Italian States, viz., the laws of Oleron, Amalfi, and the celebrated *Consolato del Mare*, which latter, according to Piantanida, was adopted by the following countries:



Rome . . . . in 1075	Marseilles . . in 1162
Acre . . . . „ 1111	Almorla . . . . „ 1174
Majorca . . . „ 1112	Genoa . . . . „ 1186
Pisa . . . . „ 1118	Morea . . . . „ 1203
Venice . . . . in 1215	

These mercantile institutions, of which the temple established at Memphis must be considered the first stone of the present judicial authority of the Consul—the title of which seems, as before stated, in the minds of the Pisans, to have been the best clothing for their mercantile and maritime Judges, as giving them by this appellation a high standing, and fully qualifying them for such a post in the eyes of the people, by the signification attached to their name. In fact the high authority annexed to the appellation of Consul, connected with the ancient tribunals, from whose root they sprang, fully carries out in all its bearings the idea of a Consul, and the purposes for which he is appointed. No better signification could have been found; the title of Consul, derived from the highest authorities, combined with the most ancient commercial rights, was transmuted into one name—a name renowned in the annals of history, and which may in time not only prove of the first advantage to the state, but may supersede that of Ambassadors.

The first Consuls appointed by England were, Leonardo Strozzi, at Pisa, in 1485; Censio de Menesava Lesques, in 1522, at Candia; and Benoit Justianiani, in 1531, at Scio. Why the English Government appointed foreigners instead of Englishmen, will be taken into consideration in the case of Leonardo Strozzi, in the next chapter.

From this epoch many other Consuls were nominated; and the Consular System began to spread from year to year, and will continue to do so under proper management, promoting the best and most vital interests of the country.

It would scarcely fall under our present object to enumerate the Consular service of other countries; but we cannot lose sight of that of the Hanseatic League, which had more than 100 Consulates in different parts of the world, was the most extensive of the age, and many wise and salutary mercantile laws were issued and put in force by the magistracy of Lubeck.

The earliest statutes regulating the mercantile and maritime law of England, after the signing of the Magna Charta, were those of the years 1283 and 1285 (11 Ed. I. Statute of Acton Burnet, and 15 Ed. I. statute 3, cap. 1), in which special attention was directed to the mercantile community. These, however, by the commotion of the times were not attended to; and, in fact, became almost null and void. Several treaties were also concluded about this time, having reference

to Consuls, between England and foreign countries; amongst them we must place those of the reigns of Henry IV., Edward IV., and Henry VIII.

Since this epoch the commercial intercourse of England with foreign countries has gone on increasing both by treaty and otherwise; and which has become the great forerunner of that nation's greatness.

In concluding this chapter, we can only regret that time and space will not permit us to dwell upon the ancient commercial institutions of Venice, Pisa, and many others of which Miltitz so ably treats.

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## CHAPTER II.

### ON THE QUALIFICATIONS OF A CONSUL

**I**N respect to the qualifications requisite for a Consul, we must take into consideration what might disqualify him from occupying such a post with the integrity required from any one filling that office. One of the two most important disqualifications would be, that of his not being a subject of the power by whom he is appointed; many of the most learned writers on the subject have discoursed most emphatically upon the reasons why a Consul should not be any other than a subject of the power he represents, and it cannot be supposed that he could have the interests of the country so much to heart as were he a subject of the State he was nominated by. Borel in his work "*De l'Origine et des Fonctions des Consuls*," page 32, ch. iv., says, "*Une des premières qualités d'un Consul, c'est de ne pas être sujet de l'état où il réside, car il n'aurait pas l'indépendance nécessaire pour exercer les fonctions de sa place avec cette liberté qui convient à celui qui est chargé des affaires d'un souverain. Il ne peut recevoir des ordres que de lui, et ne doit être comptable qu'envers lui de ses actions. Sans cette condition, l'admission d'un Consul dans un état est presque vaine et illusoire.*"

It is unnecessary to recite the numerous opinions which have been passed on this subject, and we can only, in quoting that of Vattel, leave to the judgment and conscience of any upright-minded man; whether it can be supposed that one of another race could represent the interests of a neighbouring one, with credit, or for the welfare of such race, as one of its kindred.

"Les fonctions exigent premièrement, qu'il ne soit point sujet de l'état où il réside, car il serait obligé d'en suivre les ordres en toutes choses, et n'aurait pas la liberté de faire les fonctions de sa charge."  
*Vattel*, l. 2, c. 2, § 34.

The other most important disqualification for a Consul is, his engaging in commercial pursuits; and it is impossible that any one so occupied can fulfil the important duties he has to discharge. The highest authorities have disclaimed the idea of a Consul exercising his functions when he is so engaged. Pardessus, Martens, and others follow on the subject; and it is only a matter of regret that the British Government have, since 1832, allowed many important consular representatives to trade, which is neither compatible with the dignity of their office, nor hinges with their consular duties. Warden justly writes:—"To be useful to his country in arts, sciences, and manufactures a Consul must have no commercial engagements. Services of this kind cannot be expected from him, as they cannot be performed by him, whose mind is absorbed in the pursuits of gain. If he have not a regular salary, and be obliged to seek support as a merchant or factor, his eye must be constantly directed to his private advantage; and in this position he insensibly adopts the doctrine of the trader: 'Every man for himself, and God Almighty for us all.'"

De Cussy draws a conclusion to the same effect; he says, that Consuls ought to be "*sujets du prince qui les institue, et qu'ils ne soient jamais pris parmi les négociants établis dans la localité où ils doivent exercer leur charge.*"—*Section iii., § 1, p. 62.* After quoting many learned opinions on this head, he comes to the following conclusion:—"Un Consul ne doit pas être négociant."—*Sect. iii., same chapter.*

Borel has a very good opinion on the subject; he writes:—"Le Consul ne doit pas faire le commerce, car ses fonctions se trouvent souvent incompatibles avec l'état de négociant. Assujété alors aux lois du pays pour ses affaires particulières, non seulement il ne doit pas prétendre à la jouissance du droit des gens, mais il s'expose au danger de compromettre la dignité de son souverain, en cas de faillites et dans les autres évènements fâcheux que les chances du commerce entraînent à leur suite."

Professor Newman, of Vienna, who has recently published a work on the Consular Service, in regretting that his Government has not followed these principles, writes as follows:—"Der Consul soll nicht zugleich Kaufmann sein, denn seine Functionen sind sehr häufig, um nicht zu sagen in der Regel und dem Wesen nach, mit der Beschäftigung des Kaufmanns unvereinbar. Als Kaufmann dem Landesgesetzen unterworfen kann er auf Behandlung nach Völkerrecht keinen Anspruch machen, setzt er die Würde des ihn bestellenden Souveräns, die ihm anvertrauten Interessen der Unterthanen dieser Souveräns mannigfacher Gefährdungen und Verlegenheiten aus."

Having thus taken into consideration the two most important things

which would become disqualifications for a Consul, we must recite the qualifications required for a person to fill that post. In doing so, we will briefly refer to the motives which may have induced Richard III. to appoint Leonardo Strozzi (1485) in preference to an Englishman. The decree by which he was nominated, in Thom. Rymer, Fœd. et Act. R. Angl. T. 5., p. 164, is as follows: "Volentes ipsorum quieti et utilitati quantum possumus providere, ac per experimenta aliarum nationum pro certo scientes oportere inter eos aliquem magistratum peculiarem erigi et creari, cujus iudicio et definitioni lites et contentiones, quas inter ipsos subditos nostros mercatores seu alios, dum in illis partibus moram traxerint suboriri contigerit, submitti dabeant—ipsum, Laurentium Strozzi præficimus et ordinamus Consulem et Præsidentem, super factis omnium et singulorum subditorum nostrorum, ad dictam civitatem partesque illic ut præmittitur adjacentes confluentium," etc.

There could have been no other motive for this appointment, than that a person should be delegated Consul who, by his knowledge of the language, mercantile and maritime law of the country he resided in, was by these qualifications competent and able to protect with greater power the commercial interests of England. The inference, however, must not be drawn from this, that an Englishman would not have been much more preferable; but the ignorance of the age did not afford an opportunity of nominating a person having a requisite knowledge of the Italian language. It may be argued, what utility could any one only speaking that living language be to the English merchants trading to Pisa? The sole and conclusive argument is, that from the knowledge the Roman Catholics had of Latin (of which the Strozzi family were accomplished scholars), there cannot be a doubt but that he communicated with the English traders in that tongue. Be it as it may, Richard III. no doubt took into consideration the fact, that, although Leonardo Strozzi might not have been able to understand fluently the language of the English, still he was enabled to comprehend what they required, and, by his knowledge of the customs, law, and dialect of the country he was domiciled in, was competent to promote their best interests. This argument is only adduced to show the necessity of one of the first qualifications of a Consul being a fluent knowledge of the dialect of the country he is sent to, as also an acquaintance with their manners and customs. This is the *prima facie* qualification of a Consul; and although the doctrine may be put forth, that almost every nation now has Ministers who correspond in the French language, still there are a very great number of important notifications which are invariably published in the native language, and it may be some days, nay months, before

they are made known to the Consul, and, if so, are rarely communicated to him in the French tongue. Of what use, therefore, is a Consul who is not perfectly conversant with the language of the country he is sent to? And yet, in spite of all this, in order to strengthen the executive Government, Consular appointments were given away to persons who were neither acquainted with the language *paramountly* necessary for their mission, nor had any knowledge of the laws or customs of the country they were sent to.

The next qualification is, an insight into the laws of the country to which he is nominated.\*

The next, and perhaps not less important qualification of a Consul, is, a thorough knowledge of the law of nations, and of the maritime and mercantile laws of his own country, as well as of those others he may be called to adjudicate upon in his official capacity. As these however, are very numerous, we have endeavoured to arrange in an Appendix the most important of these points, in alphabetical order. We have also annexed the Foreign Deserters' Act, and a list of the countries the same is extended to by Order in Council, for the purpose of the British Consul knowing in what state he has a right to demand the arrest of deserters from British merchant vessels; the Act for the Solemnization of Marriages Abroad, all notarial and other forms a Consul may require, and many other Acts and information are appended.

Lastly and not least, a Consul should be able to command himself, so as to have neither prejudice nor leaning on any side, in settling the important disputes he may be called to adjudicate upon; that with a just observance of law and right, he may be able to decide every case with a verdict founded upon justice and equity.

In fact, to sum up all required of him in a single quotation, we

\* The following are the official papers of each state in which governmental notifications are made:

America .....	New York Herald.
Austria.....	Wiener Zeitung, Austria.
Bavaria.....	Münchener Politische Zeitung.
Belgium .....	Moniteur Belge.
England .....	London Gazette—Acts of Parliament.
France .....	Moniteur.
Hanseatic States .....	Lubekische Zeitung.
Holland .....	Nederlandische Staatscourant.
Naples (Two Sicilies)...	Giornale del Regno delle due Sicilie.
Portugal .....	Diario do Governo.
Prussia .....	Allgemeine Preussische Zeitung.
Russia .....	Journal de St. Petersburg.
Sardinia .....	Gazetta Piemontese.
Spain .....	Gaceta de Madrid.
Sweden, Norway .....	Stockholm Aftonbladet.
Turkey .....	Journal de Constantinople.

must recite the *Oratio in Pisonem* :—"Animo consulem esse oportet, consilio, fide, gravitate, vigilantia, cura toto denique munere consulatûs omni officio tuendo, maximèque id quod vis nominis præscribit reipublicæ consulendo."

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### CHAPTER III.

#### THE DUTIES OF A CONSUL GENERALLY.

**I**T is almost impossible to define the duties of a Consul, so numerous are they, that the only knowledge which might at all aid him in the greatest portion of them, would be a cognoscence of mercantile pursuits and usages, thereby being able to further the mercantile interests of his country in every way. The Consular appointment is in the sole gift of the Secretary of State for Foreign Affairs. It may be hardly necessary to state that the *primum officium* of a Consul is to transmit his appointment to the highest authorities of the land, either through his Ambassador, or, in his absence, through the Consul-General, or in his absence, direct through the Foreign Secretary of the country he is nominated to. Upon this, if his credentials be in order, an Exequatur or a decree acknowledging him as Consul is issued and promulgated in the official journal of the state; but communicated to the Consul through the same source in which his appointment has been notified. Upon receiving this authority, he is duly authorised as Consul for the country he is sent by.

The most important of his duties consist in his being present, if possible, at the shipwreck of any of his countrymen's vessels, and in seeing that the abuses and plunder on wrecked ships, which generally occur, are not permitted. In commercial disputes he is also, when called upon, bound to exercise his knowledge in settling them with that justice which invariably characterises a British tribunal. Should these disputes arise between the authorities of the country, it is not his duty to forward the grievances direct to the Government, but he must claim restitution through his Ambassador, or Consul-General; or, in their absence, he may then do so direct, without the case be of such importance as to demand previously a reference to his own Government. It is his duty to attend to all suggestions and claims made by his countrymen, and if he considers them founded upon justice and equity, to further them to the utmost of his power. The Consul, however, must be careful that these claims are not contrary to the law of the land in which he resides, as it would be extremely impolitic to

urge any claim against such law, however much right may be on the side of the claimant, as he would not be justified in furthering that claim without direct instructions from his Government, or without he was certain of their support, for it only tends to weaken his authority to do so.

The Consul ought also to make his Government and countrymen acquainted with all notices relating to the allowance or non-allowance of the importation or exportation of any articles, as well as of the erection of lighthouses and beacons, and the laying down of buoys, etc.

In the absence of the Ambassador or the Consul-General, he has a right to demand an audience of, or address in writing, the Minister of Foreign Affairs, should he have any important case which requires it. In cases of offences committed on the high seas, the authorities of the country cannot interfere, but the Consul must, according to the enormity of the crime, send the prisoner either to the nearest British station in serious cases, together with the witnesses, or in minor ones, punish the offender summarily. It may be as well to state that it is an acknowledged right, founded upon *international law*, that all offences against the marine laws of the country committed on board any vessel belonging to such nation, when in a foreign port, are considered crimes against the law of the country to which the ship belongs; as the vessel's deck is considered the territory of the country she appertains to. This will not, however, hold good in the case of offences against persons belonging to the state in whose harbour the vessel happens to be anchored, as then it assumes quite a different aspect, for it becomes one against the law of that land, and can be punished accordingly. It is also the Consul's duty to make a survey of the provisions of a vessel on complaint thereof from two or more of the crew, and if he finds they are insufficient, or bad, to notify to the captain in writing that the grievance must be remedied. All matters relating to manufactures, arts, sciences, commerce, and navigation, it is his duty to make his Government acquainted with. These, of course, include all new inventions in agricultural implements, steam navigation, etc.; he must also give notice of, and carefully watch, if any privateers or armed enterprises are fitted out, as these may be of the utmost consequence to the mercantile interests of his country. He will have to take affidavits, and solemnise marriages: it is further requisite that he should be acquainted with all treaties which may have been entered into by his country with other nations, and for this purpose we have annexed a list of all such treaties.

He has a right to issue passports, under such restrictions as the Foreign Office may decree; to extend protests, powers of attorney, and



do all other notarial acts. On all these heads we have treated in the Appendix.

The Consular jurisdiction in the Levant, and in China, however, require special chapters, as they are much more complicated, and more perfect as regards Consular authority. The most complete Consular convention ever concluded, relating to the duties of Consuls, was that between France and the United States, and followed up by one between the latter and Holland. As the rules laid down therein are very explicit, and ought to be taken as an example by all other nations, we give the treaty *in extenso*—as it will be of great utility to all Consuls, by showing them what their duties may be, and, in fact, are most likely to become; for we cannot but think that every nation will follow the example of the Consular system of France; and we are only astonished that England *ere* this has not entered into a similar treaty.

“ CONVENTION CONSULAIRE CONCLUE ENTRE LA FRANCE ET LES  
ETATS UNIS DE L'AMÉRIQUE.

“ Napoléon, par la grâce de Dieu et la volonté nationale, Empereur des Français, à tous présents et à venir, salut.

“ Sur le rapport de notre ministre Secrétaire d'État au Département des Affaires Étrangères, avons décrété et décrétons ce qui suit :

“ *Article 1er.*—La convention conclue, le 23 Février, 1833, entre la France et les Etats Unis d'Amérique, pour régler les droits, privilèges, et immunités consulaires dans les deux pays, ayant été réciproquement ratifiée, et les actes de ratification ayant été échangés le 11 du mois d'Août de la même année, ladite convention, dont la teneur suit, recevra sa pleine et entière exécution.

CONVENTION.

“ Sa Majesté l'Empereur des Français et le Président des Etats Unis d'Amérique, également désireux de resserrer les liens d'amitié entre les deux nations, et d'assurer aux relations de commerce établies entre elles un nouveau et plus ample développement, ont jugé à propos pour atteindre ce but, de conclure une convention spéciale qui déterminât d'une manière précise et réciproque les droits, privilèges, et devoirs des Consuls des deux pays. A cet effet, ils ont nommé : Sa Majesté l'Empereur des Français, M. le Comte de Sartiges, Commandeur de l'ordre impérial de la Légion d'Honneur, et son Envoyé Extraordinaire et Ministre plénipotentiaire à Washington.

“ Le Président des Etats Unis, l'honorable M. Edouard Everett, Secrétaire d'Etat des Etats Unis.

“ Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des articles suivants :

“ *Article 1er.*—Les Consuls-Généraux, Consuls, et Vice-Consuls, ou



Agents Consulaires, nommés par la France et les Etats Unis, seront réciproquement admis et reconnus, en présentant leurs provisions sous la forme établie dans les pays respectifs. On leur délivrera, sans aucuns frais, l'exequatur nécessaire à l'exercice de leurs fonctions, et sur l'exhibition de cet exequatur, les autorités territoriales, fédérales, ou d'Etat, judiciaires et administratives des ports, villes, et lieux de leur résidence et arrondissement consulaire, les y feront jouir, aussitôt et sans difficulté, des prérogatives accordées réciproquement. Le gouvernement qui accorde l'exequatur aura la faculté de le retirer, en indiquant les motifs pour lesquels il juge convenable de le faire.

“ Art. 2.—Les Consuls-Généraux, Consuls, et Vice-Consuls, ou Agents Consulaires Français et des Etats Unis, jouiront dans les deux pays, les privilèges généralement attribués à leurs fonctions, tels que l'immunité personnelle, hormis le cas de crime, l'exemption des logemens militaires, du service de la milice ou de la garde nationale, et autres charges de même nature, et celle de toutes les contributions directes et personnelles, fédérales, d'Etat, ou municipales; si toutefois lesdits Consuls-Généraux, Consuls, Vice-Consuls, ou Agents Consulaires étaient citoyens du pays de leur résidence, s'ils y étaient ou y devenaient propriétaires, ou qu'ils y fissent le commerce, ils seraient soumis sous le bénéfice du traitement accordé aux agents commerciaux, à la même juridiction que les autres citoyens du pays, propriétaires ou commerçants, et aux mêmes taxes et impositions que ceux-ci. Ils pourront placer, au-dessus de la porte extérieure de leurs chancelleries ou de leurs maisons d'habitation, un tableau aux armes de leur nation, avec une inscription portant ces mots : Consul de France, ou Consul des Etats Unis; ils pourront aussi y arborer le drapeau de leur pays.

“ Ils ne pourront jamais être contraints à comparaître comme témoins devant les tribunaux. Quand la justice du pays aura quelque déclaration juridique ou déposition à recevoir d'eux, elle les invitera par écrit à se présenter devant elle, et, en cas d'empêchement, elle devra leur demander leur témoignage par écrit, ou se transporter à leur domicile, pour l'obtenir de vive voix.

“ Les Elèves-Consuls jouiront des mêmes privilèges et immunités personnelles que les Consuls-Généraux, Consuls, Vice-Consuls, ou Agents Consulaires.

“ En cas de décès, d'empêchement, ou d'absence de ces derniers, leurs Elèves-Consuls, Chanceliers, et Secrétaires seront de plein droit admis à gérer, par intérim, les affaires des postes respectifs, et jouiront pendant la durée de cette gestion intérimaire, des prérogatives accordées aux titulaires.

“ Art. 3. Les chancelleries et habitations consulaires seront inviolables : les autorités locales ne peuvent les envahir sous aucun prétexte,

et ne pourront en aucun cas visiter ni saisir les papiers qui y seront renfermés. Elles ne sauraient dans aucun cas servir de lieux d'asile.

“ Art. 4. Les Consuls-Généraux, Consuls, Vice-Consuls, ou Agents Consulaires de l'un et l'autre pays auront le droit de s'adresser aux autorités locales, territoriales, ou fédérales, judiciaires et administratives, dans toute l'étendue de leur arrondissement consulaire, pour réclamer contre toute infraction aux traités ou conventions existant entre la France et les États Unis, et pour protéger officieusement les droits et les intérêts de leur nationaux, notamment en cas d'absence : à défaut d'agents diplomatiques de leur nation, ils seront au besoin, autorisés à recourir au gouvernement général ou fédéral du pays dans lequel ils exercent leur fonctions.

“ Art. 5. Les Consuls-Généraux et Consuls respectifs seront libres d'établir, dans tels lieux de leur arrondissement où ils le jugeront utile, des Vice-Consuls ou Agents Consulaires qui pourront être choisis indistinctement parmi les Français, les Américains des États Unis, ou les citoyens des autres pays. Ces agents, dont la nomination sera soumise, bien entendu, à l'approbation des gouvernements respectifs, seront munis d'un brevet délivré par le Consul qui les aura institués et sous les ordres duquel ils agiront.

“ Art 6.—Les Consuls-Généraux, Consuls, Vice-Consuls, ou Agents Consulaires auront le droit de recevoir dans leurs chancelleries ou bureaux, au domicile des parties ou à bord des bâtiments, les déclarations des capitaines, équipages, passagers, négociants, ou citoyens de leur pays et tous les actes qu'ils voudront y passer.

“ Les Consuls-Généraux, Consuls, Vice-Consuls, ou Agents Consulaires respectifs auront en outre, le droit de recevoir, conformément aux lois et règlements de leur pays, dans leurs chancelleries ou bureaux, tous actes conventionnels passés entre les citoyens de leur pays et des citoyens ou habitants du pays où ils résident, et même tous actes de ces derniers, pourvu que ces actes aient rapport à des biens situés ou à des affaires à traiter sur le territoire de la nation à laquelle appartiendra le Consul ou l'Agent devant lequel ils seront passés. Les expéditions desdits actes dûment légalisés par les Consuls-Généraux, Consuls, Vice-Consuls, ou Agents Consulaires, et munies du cachet officiel de leur Consulat ou Agence Consulaire, feront foi en justice dans tous les tribunaux de France, et des États Unis, comme le feraient les originaux eux-mêmes.”

“ Art. 7.—Dans tous les États de l'Union où les lois actuelles le permettent, aussi longtemps que les dites lois resteront en vigueur et avec la même portée, les Français jouiront du droit de posséder des biens meubles et immeubles, au même titre et de la même manière que les citoyens des États Unis : ils pourront en disposer librement

et sans réserve à titre gratuit ou onéreux, par donation, testament, ou autrement, comme les habitans eux-mêmes et ne seront dans aucun cas soumis à des droits de mutation, de succession, ou autres différents de ceux payés par ces derniers, ou à des taxes qui ne leur seraient pas également imposées.

“ Quant aux Etats de l’Union dont la législation actuelle ne permet pas aux étrangers de posséder des biens immeubles, le Président s’engage, à leur recommander de passer les lois nécessaires pour leur conférer le droit.

“ De même et en réservant toutefois la faculté d’appliquer ultérieurement la réciprocité en matière de possession et de succession, le Gouvernement Français reconnaît aux citoyens, des Etats Unis le droit de jouir en France, en matière de propriété mobilière, immobilière, et de succession, du traitement identique dont jouissent en France, en pareille manière les citoyens Français.

“ Art. 8.—Les Consuls-Généraux, Consuls, Vice-Consuls, ou Agents Consulaires respectifs seront exclusivement chargés de l’ordre intérieur à bord des navires de commerce de leur nation, et connaîtront seuls de tous les différends qui se seront élevés en mer ou s’élèveront dans les ports, entre le capitaine, les officiers, et les hommes inscrits sur le rôle d’équipage, à quelque titre que ce soit, particulièrement pour le règlement des salaires, et l’exécution des engagements réciproquement consentis. Les autorités locales ne pourront s’immiscer, à aucun titre, dans ces différends, et devront prêter main forte aux Consuls, lorsqu’ils la requerront, pour faire arrêter et conduire en prison ceux des individus inscrits sur le rôle d’équipage, à quelque titre que ce soit, qu’ils jugeront à propos d’y envoyer. Ces individus seront arrêtés sur la seule demande des Consuls adressée par écrit à l’autorité locale et appuyée d’un extrait officiel du registre de bord ou rôle d’équipage, et seront tenus pendant tout le temps de leur séjour dans le port, à la disposition des Consuls. Leur mise en liberté s’effectuera sur une simple demande des Consuls faite par écrit. Les frais occasionés par l’arrestation et la détention de ces individus seront payés par les Consuls.

“ Art. 9.—Les Consuls-Généraux, Consuls, Vice-Consuls, ou Agents Consulaires respectifs pourront faire arrêter les officiers, matelôts et toutes les autres personnes faisant partie des équipages à quelque titre que ce soit, des bâtimens de guerre ou de commerce de leur nation, qui seraient prévenus ou accusés d’avoir déserté desdits bâtimens, pour les renvoyer à bord ou les transporter dans leur pays. A cet effet, ils s’adresseont, les Consuls de France aux Etat Unis, aux magistrats désignés dans l’Acte du Congrès, du 4 Mai, 1826, c’est à dire, indistinctement à toutes les autorités fédérales, d’état, municipales, les Consuls des Etats Unis en France, à toutes les autorités compé-

tentes, et leur feront par écrit la demande de ces déserteurs, en justifiant, par l'exhibition des registres du bâtiments ou du rôle d'équipage, ou par d'autres documents officiels, que les hommes qu'ils réclament faisaient partie dudit équipage. Sur cette seule demande, ainsi justifiée, et sans aucun serment qui puisse être exigé des Consuls, la remise des déserteurs ne pourra leur être refusée, à moins qu'il ne soit dûment prouvé qu'ils étaient citoyens du pays où l'extradition est réclamée au moment de leur inscription sur le rôle, ou de leur arrivée au porte du débarquement. Il leur sera donné toute aide et protection pour la recherche, la saisie et l'arrestation de ces déserteurs, lesquels seront même détenus et gardés dans les prisons du pays, à la réquisition et aux frais des Consuls, jusqu'à ce que ces agents aient trouvé une occasion de les faire partir. Si pourtant cette occasion ne se présentait pas dans un délai de trois mois à compter du jour de l'arrestation, les déserteurs seraient mis en liberté, et ne pourraient plus être arrêtés pour la même cause.

“ Art. 10.—Les Consuls-Généraux, Consuls, Vice-Consuls, ou Agents Consulaires respectifs recevront les déclarations, protestations, et rapports de tous les capitaines de bâtiments de leur nation pour raison d'avaries essuyées à la mer; ils feront procéder à la contestation de l'arrimage, et ils seront, à moins de stipulations contraires entre les armateurs, les chargeurs, et les assureurs, chargés du soin de régler ces avaries. Si les habitants du pays où résident des Consuls, ou des citoyens d'une tierce nation, se trouvaient intéressés dans lesdits avaries et que les parties ne puissent s'entendre à l'aimable le recours à l'autorité locale compétente serait de droit.

“ Art. 11.—Toutes les opérations relatives aux sauvetage des navires Français naufragés sur les côtes des Etats Unis, et des navires Américains naufragés sur les côtes de France, seront respectivement dirigés par les Consuls-Généraux, Consuls, Vice-Consuls des deux Etats et jusqu'à leur arrivée par les Agents Consulaires respectifs, là où il existera une agence; dans les lieux et parts où il n'existerait pas d'agence, les autorités locales auront, en attendant l'arrivée du Consul dans l'arrondissement duquel le naufrage aurait eu lieu, et qui devrait être immédiatement prévenu, à prendre toutes les mesures nécessaires pour la protection des individus, et la conservation des effets naufragés.

“ Les autorités locales n'auront, d'ailleurs, à intervenir que pour maintenir l'ordre, garantir les intérêts des sauveteurs, s'ils sont étrangers, aux équipages naufragés, et assurer l'exécution des dispositions à observer pour l'entrée et la sortie des marchandises sauvées.

“ Il est bien entendu que ces marchandises ne seront tenues à aucun droit de douane, si elles doivent être ré-exportées, et que, si elles sont



admises à la consommation, on leur accordera les modérations de droit consacrées par la législation douanière des pays respectifs.

“ Art. 12.—Les Consuls-Généraux, Consuls, Vice-Consuls, ou Agents Consulaires respectifs, ainsi que leurs Elèves-Consuls, Chanceliers, et Secrétaires jouiront dans les deux pays de tous les autres privilèges, exemptions, et immunités que pourraient par la suite être accordés aux agents de même rang de la nation la plus favorisée.

“ Art. 13.—La présente convention restera en vigueur pendant dix ans à partir de l'échange des ratifications lesquelles seront données conformément aux constitutions respectives des deux pays, et échangées à Washington dans le délai de six mois, où plus tôt, si faire se peut. Dans le cas où aucune des parties n'aurait notifié, douze mois avant l'expiration de ladite période de dix ans, son intention d'en faire cesser les effets, la convention continuera à rester en vigueur encore une année, et ainsi de suite d'année en année jusqu'à l'expiration d'une année, à partir du jour où l'une ou l'autre des parties l'aura dénoncée. En foi de quoi les plénipotentiaires respectifs l'ont signée et l'ont opposé leurs cachets respectifs.

“ Fait à Washington, le 23 Février, Anno Domini.

{ L.S. } Signé, SARTIGES.  
{ L.S. } Signé, EDWARD EVERETT.”

We now give, for the further guidance of the Consul,

THE GENERAL INSTRUCTIONS FOR HER MAJESTY'S CONSULS ISSUED BY  
THE SECRETARY OF STATE FOR THE FOREIGN DEPARTMENT.

§ I. *Exequatur*.—UPON the arrival of the Consul at his post, he will announce himself to the principal public authorities, and will show them Her Majesty's Commission, or a copy thereof; and he may, if required, give them a copy stamped with the consular seal.

The original Commission should be forwarded to Her Majesty's Ambassador or Minister at the court of the country in which the Consul has to reside, with a request that the said Ambassador or Minister will apply to the proper authorities for the usual *exequatur* to enable him to enter officially upon his Consular duties.

§ II. *Privileges*.—Her Majesty's Commission and the *exequatur* will secure to the Consul the enjoyment of such privileges, immunities, and exemptions as have been enjoyed generally by his predecessors, and as are usually granted to Consuls in the country in which he resides; and he will be cautious not to aim at more.

§ III. *Consular Act and Consular Fees*.—In order to render more uniform the system under which the British Consular service had heretofore been conducted, an Act was passed by the Legislature for

the better regulation of the Consular service, and for other public purposes connected therewith.

A copy of the Act of Parliament above mentioned is annexed ; and the Consul will pay strict attention to all the clauses of this Act ; and he will not levy, or permit to be levied, in the British Consular offices under his jurisdiction, any other fees than such as are in strict conformity with the existing tariff.

At the expiration of each year, the Consul will transmit to Her Majesty's Principal Secretary of State for Foreign Affairs a certified statement (according to the enclosed form) of the gross amount of all fees collected at his Consulate within the year, under the Tables before mentioned, together with the equivalent in local currency in pounds sterling, calculated at the average rate of the exchange for the year, which exchange must also be stated.

§ IV. *Consular Correspondence*.—To insure due execution of the details of the Consular system, established under the before-mentioned Act of Parliament, it has been judged expedient that the correspondence of Her Majesty's Consuls should be separated from the diplomatic correspondence of this Office, and placed under the superintendence of one individual on the establishment, designated "The Superintendent of the Consular Service." The Consul will address himself to the Secretary of State in his despatches, but he will transmit these under cover to the Superintendent, carefully observing the form of address given herewith ; and he will obey such instructions as shall be conveyed to him by the Superintendent, by direction of the Secretary of State.

*Form of an Address of Letters to the Superintendent.*

On Her Majesty's Service.	
JOHN BIDWELL, Esq.	
Superintendent of the Consular Service.	
Consulate of }	Foreign Office, LONDON.

§ V. *Accounts Current*.—Some of the clauses of the before-mentioned Act of Parliament authorise Her Majesty's Consuls to receive and disburse money for various purposes therein described ; and as it is desirable that their accounts should be kept and rendered according to one uniform system, the Consul is herewith furnished for his guidance with a printed memorandum\* (drawn up by the Commissioners for Auditing the Public Accounts, and approved by the Lords Commis-

sioners of Her Majesty's Treasury), together with a supplementary circular, dated the 2nd August, 1831, containing full directions upon this subject.

The Consul will pay strict attention to the forms therein prescribed; and, as soon as possible after the termination of each year, he will transmit to this department an account (in duplicate) made up in the prescribed form, with one set of vouchers, to the end that one copy of such account, together with the vouchers, may be forwarded by the Secretary of State to the Lords Commissioners of Her Majesty's Treasury to be examined by the Commissioners of Audit, and that the other copy may remain in the correspondence of this department. In the despatch transmitting the account, the Consul will insert any explanatory remarks which the nature of the charges therein contained may appear to require.

§ VI. *Commercial instructions.*—It will be the particular study of the Consul to become conversant with the laws and general principles which relate to the trade of Great Britain with foreign parts; to make himself acquainted with the language and with the municipal laws of the country wherein he resides, and especially with such laws as have any connection with the trade between the two countries.

The Consul is herewith furnished, for his information and for purposes of reference, with "a collection of treaties and conventions at present subsisting between Great Britain and foreign powers, so far as they relate to commerce and navigation, to the repression and abolition of the slave trade, and to the privileges and interests of the subjects of the high contracting parties," consisting of three volumes octavo, which are to be carefully preserved with the official archives of the Consulate.\*

Various Acts of Parliament relating to trade and navigation are also annexed;† and such further Acts relating to these subjects as may hereafter be passed will be forwarded to the Consul.

He will bear in mind, that it is his principal duty to protect and promote the lawful trade and trading interests of Great Britain, by every fair and proper means, taking care to conform to the laws and regulations in question; and whilst he is supporting the lawful trade of Great Britain, he will take special notice of all prohibitions with respect to the export or import of specified articles, as well on the part of the state in which he resides, as of the Government of Great Britain; so that he may caution all British subjects against carrying on an illicit commerce, to the detriment of the revenue, and in violation of the laws and regulations of either country: and he will not fail to give to this department immediate notice of any attempt to contravene those laws and regulations.

\* Vide Preface and Appendix.

† Vide Consular Instructions, 1855.



§ VII. *Advice and assistance to be given to British subjects.*—The Consul will give his best advice and assistance when called upon, to Her Majesty's trading subjects, quieting their differences, promoting peace, harmony, and good will amongst them, and conciliating, as much as possible, the subjects of the two countries upon all points of difference which may fall under his cognizance. In the event of any attempts being made to injure British subjects, either in their persons or property, he will uphold their rightful interests, and the privileges secured to them by treaty, by due representation in the proper official quarter. He will, at the same time, be careful to conduct himself with mildness and moderation in all his transactions with the public authorities; and he will not upon any account urge claims on behalf of Her Majesty's subjects, to which they are not justly and fairly entitled. If redress cannot be obtained from the local administration, or if the matter of complaint be not within their jurisdiction, the Consul will apply to Her Majesty's Consul-General, or to Her Majesty's Minister, if there be no Consul-General in the country wherein he resides, in order that he may make a representation to the higher authorities, or take such other steps in the case as he may think proper; and the Consul will pay strict attention to the instructions which he may receive from the Minister or Consul-General.

§ VIII. *Correspondence, public and private.*—The Consul will keep Her Majesty's Minister regularly and fully informed of all occurrences of national interest within his consulate, respecting either the trade of Her Majesty's subjects, or that of other nations at peace or at war with Great Britain. He will likewise not fail to transmit to him such correct intelligence as he can procure, respecting the arming, the equipment, or the sailing of any public or private armed vessels belonging to the enemies of Her Majesty; and whenever it may appear to him essential that Her Majesty's Government should be directly informed of the subject of his communications to Her Majesty's Minister, he will transmit copies of them to this department.

The Consul will not, however, upon any account correspond with private persons on public affairs; neither will he recommend his private friends, abroad or at home, for employment of trust or profit under the government of the country in which he resides; and he will not ask or accept favours of that government for himself.

§ IX. *Lloyd's agency.*—Such of Her Majesty's Consuls as are agents to Lloyd's are especially directed not to correspond with Lloyd's on the subject of political occurrences. The Consul will not hold any correspondence on such subjects, excepting that which it is his duty to hold with the Secretary and Under Secretary of State, and the Superintendent of the Consular Service, or with Her Majesty's Minister and Consul-General in the country where he resides, or with Consuls and



naval or military officers in Her Majesty's service, who may be employed in his neighbourhood, and to whom it may be necessary to communicate immediately any event of public interest. If the rule which is here prescribed should be inconsistent with what is expected from an agent to Lloyd's, the Consul must understand that he cannot be permitted to undertake any agency which interferes with the due discharge of his Consular duties.

§ X. *Protection on board of British ships.*—Misconception having arisen with respect to the degree of protection which commanders of British ships may afford to any individuals seeking refuge on board of those ships, the Consul is informed that the commanders of British ships lying in the ports of a foreign country are not authorised to harbour any persons (even if British subjects) who may seek refuge on board of their vessels, in order to evade or resist the due execution of the laws, to which, by reason of their residence in the country, they have rendered themselves amenable; and the Consul will bear in mind, in all applications which may be made to him on behalf of individuals so circumstanced, that such persons are liable to be taken by due process of the laws of the country.

§ XI. *Official seal and signature.*—The Consul will take an early opportunity of furnishing Her Majesty's Secretary of State for Foreign Affairs with impressions, in duplicate, of his seal of office, with his official signature annexed, in order that the same may be deposited at the proper department of Her Majesty's Customs, to prevent frauds upon the revenue.

§ XII. *Commercial Report.*—The Consul will forward to the Secretary of State, in duplicate, so soon as the information he can collect will enable him so to do; but at any rate within a period of six months from the date of his arrival at his residence, a general report on the trade of the place and district, specifying the commodities, as well of the export as import trade, and the countries which supply the latter, together with the increase or decline in late years, and the probable increase or decline to be expected, and the causes in both cases. He will state the general regulations with respect to trade at the place where he is resident, and their effects. He will give the average market prices within the year of the several articles of export and import. He will particularise what articles, if any, are absolutely prohibited to be imported into the country wherein he resides; what articles are prohibited to be imported from any other place than from the place of their growth or production; whether there be any privileges of importation, and what those privileges are, in favour of ships that are of the build of, or belonging to, the country wherein he resides; whether there be any difference in the duty on goods when

imported into that country in a foreign ship, and if so, whether it be general, or applicable only to particular articles; what are the rates of duty payable on goods imported into the said country; whether there be any tonnage duty or other port dues (and what), payable on shipping entering at, or clearing from, the ports of that country; whether there be any (and if so, what), ports in that country wherein goods may be warehoused on importation, and afterwards exported with or without payment of any duties, and under what regulations.

§ XIII. *Annual returns of trade.*—The Consul will transmit to Her Majesty's Secretary of State for Foreign Affairs, at the expiration of each year, a return of the trade with the principal ports of his consulate, according to the form inclosed in the circular dated the 15th March, 1833, of which copies are herewith annexed.\*

§ XIV. *Returns quarterly of corn and grain.*—The Consul will send to this department, at the expiration of every quarter, an account of the prices in his district of the several articles of agricultural produce, in each week of the preceding three months, made up according to the form herewith inclosed.

He will also, when practicable, transmit with the returns a memorandum, in duplicate, in which he will state any further information which he may have to communicate respecting the prices free on board of the several sorts of corn and grain; the amount of the charge for freight to England at the period at which the returns are made up; the extent of the stock in granary; every peculiarity respecting the course of exchange; whether any restraint is imposed by law, either upon the exportation or importation of corn and grain, and, if so, the nature and extent of such restraint. The Consul will endeavour to render these reports as accurate as possible, and he will add to them any general remarks upon the subject which may suggest themselves to him as of sufficient importance to be conveyed to Her Majesty's Government.

§ XV. *Quarantine.*—The Consul is herewith furnished, for his information, with the copy of an Act of Parliament (6 Geo. IV., c. 78), intituled, "An Act to repeal the several Laws relating to the performance of Quarantine, and to make other provisions in lieu thereof;" and also with copies of Orders in Council which His Majesty was pleased to issue in furtherance of this Act of Parliament.\* The Consul will take measures for making as public as possible this Act of Parliament and the Orders in Council; and he will not neglect to report to this department any appearance of yellow fever, plague, or other contagious or infectious disease, or the establishment of any unusual quarantine at the place of his residence.

\* Vide Appendix.

§ XVI. *Certificates.*—The Consul will be careful not to grant a certificate of any fact of which he has not accurately ascertained the truth: and whenever he is required to attest or certify a document consisting of more than one sheet, he will unite the sheets by a tape or ribbon to the end of the document by the means of wax or wafer, on which he will place his official seal.

§ XVII. *Vessel, definition of a British.\**

§ XVIII. *Passes, Mediterranean.\**

§ XIX. *Trade with the Mauritius.* The Order in Council, dated the 28th May, 1819, sanctioning certain modifications of the laws which regulate colonial trade, so far as they affect the Island of Mauritius, having been annulled by the general effect of the Order in Council of the 16th July, 1827 (herewith inclosed), and the trade having been placed on a different footing, the Consul will act in strict conformity with the regulations of the Order in Council before mentioned of the 16th July, 1827, and he will take all proper steps to make these regulations known to the local authorities within the district of his consulate.

§ XX. *Flag, pilot.*—The Admiralty having judged it proper that the flag henceforth to be used by all British ships throughout the world, as a signal for a pilot, shall be a British jack with a border of white of one-fifth of the breadth of the jack, the Consul will make this known in the most public manner throughout the district of his consulate; and he is herewith furnished, for his more particular information, with a copy of the flag now adopted.

§ XXI. *Flag, merchant.\**

§ XXII. *Distressed British subjects.\**

§ XXIII. *British navy.*—The Consul will furnish intelligence to the commanders of Her Majesty's ships touching upon the coast, and obtain for them, when required, supplies of water and provisions. In this latter instance, the before-mentioned Instructions from the Admiralty will furnish the Consul with the means of regulating his accounts, and also instruct him with respect to pilotage, and to the apprehension of deserters. He will, on any such occasions, do his utmost, with prudence, to promote the interests of Her Majesty's service. He will also exert himself to recover all wrecks, cables, anchors, etc., belonging to the Queen's ships, when found at sea by fishermen or other persons, and brought into the port where he resides. He will pay to such persons the customary salvage, and will acquaint the Admiralty with his proceedings thereon.

§ XXIV. *Precedence between Consuls and Naval Officers.*—In order to avoid the inconvenience which has arisen to Her Majesty's service

\* Repealed by Instructions annexed, 1855.

from a difference of opinion on a point of etiquette between Her Majesty's Consuls and the Commanders of Her Majesty's ships of war arriving at foreign ports, with respect to the payment of the first visit, it has been decided that whenever the Captain of one of Her Majesty's ships of war, being a Post Captain or a Commodore wearing a blue pendant, shall signify to the Consul, in writing, his arrival at the port at which the Consul resides, the Consul (or Vice-Consul in ports where there is a Consul-General) will take the earliest opportunity of waiting in person on the Commander of the ship, and of affording him such assistance as he may require. Commanders of Her Majesty's navy will, on their arrival at any such ports, wait upon Her Majesty's Consuls, but they will be waited upon by Vice-Consuls. Consuls-General and Consuls will, in all cases, wait upon Flag-Officers and Commanders wearing a red or white pendant, without waiting for any previous communication. The Officers commanding Her Majesty's ships of war have orders to furnish a boat to convey the Consul on board, and to re-land him, on the Consul notifying his wish to have a boat so sent for him. The Consul will strictly attend to the foregoing Instructions. The copy of a Memorandum upon this subject, issued by the Admiralty to Her Majesty's naval officers, is herewith enclosed.

§ XXV. *Ionian States*.—The treaty of peace, signed at Paris on the 5th November, 1815, having placed the Ionian States under the protection of Great Britain, the Consul will afford the same protection to the subjects, vessels, and merchandise of the Ionian States as to the trade and persons of Her Majesty's subjects. But in extending this protection to them, he will not make any pecuniary advances to Ionian subjects, unless he shall be furnished with specific instructions to that effect by the proper authorities of those States, as it is to them alone that the Consul must look for reimbursement of such advances.

§ XXVI. *Slave trade*.—The copy of an Act of Parliament amending and consolidating the laws relating to the abolition of the slave trade is annexed.\* The Consul will keep a watchful eye upon all undertakings for trading in slaves within the district of his Consulate; and whenever he has reason to suspect that British subjects or British capital are engaged or concerned in the carrying on of this traffic, he will forthwith report the same to the Secretary of State, in order that steps may be taken for putting a stop to such criminal acts, and for bringing to punishment the offenders against the laws of their country. In consequence of the extent of the correspondence upon the slave trade, and the difficulty of preparing it for Parliament, it has been found necessary that all despatches treating upon this subject should form a separate series of despatches distinct by themselves. The

\* Vide Appendix.

Consul will therefore distinguish all despatches upon this subject, by heading them with the words "Slave Trade;" and he will number them from first to last successively throughout each year, apart from the general series of his despatches.

§ XXVII. *Vice-Consuls*.—In case it shall appear to the Consul necessary that a Vice-Consul should be stationed at any port within his district, where no British Vice-Consulate has heretofore existed, or whenever a vacancy shall occur, he will report the fact to the Secretary of State, showing at the same time how far British interests require such an appointment; and if suggested as expedient, he will submit the name of some English merchant of respectability for the appointment, with the grounds of his recommendation, but he will in no case give him any commission or sanction to act in that capacity, until the approval of the Secretary of State shall have been given. Upon the receipt of such approval, the Consul will acquaint the individual with his appointment as Vice-Consul, and will furnish him with the necessary authority to act in that capacity, together with instructions for the guidance of his conduct conformable to those under which he himself is acting.

The Consul will not dismiss any Vice-Consul acting within his district without the sanction of the Secretary of State; but if he should be of opinion that good and sufficient grounds exist for the dismissal of a Vice-Consul, he will give information thereof to Her Majesty's Secretary of State, suspending, provisionally, the Vice-Consul, only when the extraordinary nature of the case may appear to require so prompt a proceeding; and awaiting, in all cases, the decision of the Secretary of State previously to taking ulterior proceedings upon the subject.

At the close of every year, the Consul will transmit to the Secretary of State a list (according to the form hereto annexed) of all persons who may be acting within his Consular district, and under his jurisdiction, either as British Vice-Consuls, Deputy Consuls, Provisional Consular Agents, or in any other similar capacity; stating in such return the station, the name of the individual, his Consular rank, the date of his provisional nomination, and the date of the approval thereof by the Secretary of State.

§ XXVIII. *Salary and emoluments*.—The Consul will bear in mind that his salary, and the fees allowed to him by Act of Parliament, are to cover all his expenses, whether personal or official (excepting such as he may, at any time, be specially authorised to incur, and charge to the public); and that no Vice-Consul or Clerk appointed by him at the place of his residence is to consider himself entitled to any remuneration from Her Majesty's Government.

§ XXIX. *Passports*.—The Consul will not take upon himself, as a

matter of course, to grant passports. If, however, the regulations of the country wherein he resides require that his visé should be affixed to the passport of British subjects, or that a certificate should be furnished by him, to enable them to obtain passports from the proper authorities, he will, when called upon, affix such visé, or give such certificates.

§ XXX. *Absence from his post.*—The Consul will not consider himself at liberty to leave his post without permission from this office, or from Her Majesty's Representative in the country wherein he resides. The annexed copy of a circular, dated the 5th July, 1833, specifies the conditions on which a Consul can obtain leave of absence.

§ XXXI. *Forms to be observed in official correspondence.*—The Consul is herewith furnished with a memorandum relative to the forms to be observed in his official correspondence with this Department; and he will strictly comply with the instructions therein contained.

§ XXXII. *Additional Instructions. Illegal Importation of tobacco. Mutinous merchant seamen.*—Copies of circular despatches and other documents, which have been more recently forwarded from this Department to Her Majesty's Consuls abroad, are annexed; and the Consuls will carefully attend to the instructions therein contained. Further instructions will be given to the Consul from time to time, as circumstances may require.\*

MEMORANDUM—referred to in p. 16, § v.

INSTRUCTIONS to be observed by Her Majesty's Consuls abroad, in regard to the Accounts which they are required to render, under the provisions of the Act of the 6th Geo. IV. c. 87.

I. You will continue to draw your bills and forward your accounts to the Navy Board in the same maner and form as you did previously to the passing of the Act of the 6th Geo. IV. c. 87, in all cases relating to the relief of British seamen, supplies furnished to Her Majesty's ships, pilotage paid for them, and to any other head of naval service, as more particularly described in the form of account which you have already received from the Navy Board (a copy of which is annexed), and you will in no case include any expenditure of the above description in the accounts to be forwarded by you to the Foreign Office.

II. You are to make up annually an account current to the 31st December in every year, in duplicate, of your receipts and disbursements of every other description, with the exception of your own salary, including in such account the salaries and disbursements, if any, of your Vice-Consuls, as well as the expenditure for the purposes specified in the Act of the 6th Geo. IV. c. 87; and you are to transmit

\* Vide Appendix and Instructions, 1855.

such accounts, together with one complete set of vouchers, to Her Majesty's Principal Secretary of State for the Foreign Department, as soon as possible after the termination of each year, taking care, whenever you may be prevented from forwarding the same, immediately to explain the causes of the delay.

III. You will take vouchers for your disbursements in duplicate, in order that you may retain the duplicate vouchers in your own possession. And when it shall happen that you are not able to obtain more than one original of any voucher, you will make out a copy for your own use, as well to enable you to answer any questions respecting the same, as to provide against the possible loss of the original forwarded to England; but you will take care that the originals of such vouchers accompany the annual accounts to be transmitted to the Secretary of State; and in cases in which it may not be possible to procure any vouchers at all, you will accompany the accounts with a full explanation of the circumstances which prevent you from complying with your instructions in this respect.

IV. Your account is to be made up and verified according to the annexed form No. 1. It is to be kept in the currency of the country in which you reside, and the several receipts and disbursements are to be classed under distinct heads of service. Should you receive or pay money relating to any service for which a separate head is not provided in the annexed form, you will, of course, supply the omission.

V. The charge or debit side of your account is to be supported by particulars of the bills drawn by you on the Lords of Her Majesty's Treasury, and by detailed explanatory statements of all moneys received by you from any other sources; excepting those for which you are accountable to the Commissioners of the Navy.

The particulars of the bills must specify the rate of exchange at which the bills were negotiated, certified by two respectable merchants; the names of the parties in whose favour they are drawn; and the net proceeds in the currency of the country.

VI. In support of the discharge or credit side of your account, you will transmit abstracts of each head of disbursements; together with the bills of particulars, the receipts of the parties, and such other documents as the circumstances of each case may require, for the purpose of showing the regularity of each transaction: and, where disbursements have been made by your Vice-Consuls, or other persons on your behalf, you are to require and produce accounts of particulars supported by proper vouchers, namely, receipts, or other documents referred to in any voucher, in all cases where it may be practicable; and you are to include in your accounts the whole of the salaries and expenditure, if any, of your Vice-Consuls, which you may have re-



ceived special authority from the Foreign Department to reimburse to such Vice-Consuls.

VII. You will distinguish the documents delivered in support of the charge part of your account by the letters of the alphabet, commencing each year with the letter A, and you will number the vouchers in the discharge consecutively, commencing each year with No. 1.

VIII. You will transmit, together with your accounts, copies or extracts (certified by yourself to have been compared with the originals, and found correct) of all instructions, letters, orders of the Secretary of State, or approvals of the Lords of the Treasury, which may be connected with any expenditure made by you, or with any special allowances granted or paid by you or by your Vice-Consuls; but in cases where such authorities apply to a description of expenditure occurring more than once in your accounts, it will be sufficient, after having in the first instance forwarded certified copies as above directed, to refer in every subsequent similar payment to the original authority in question.

IX. Whenever you may be called upon to exercise your discretion in making any special payments for which it may not be possible for you to obtain the previous sanction of the Secretary of State, you are strictly enjoined to lose no time in submitting the circumstances for his approval; and you are to transmit a certified copy of such approval with your annual account.

X. When your accounts are transmitted to the Treasury by the Secretary of State in conformity to the provisions of the Consular Act, they will be forwarded to the Commissioners for auditing the Public Accounts, by whom they will be examined; and you are desired to bear in mind that no item of expenditure will be passed by that Board, unless the payment shall have been previously authorised, or subsequently sanctioned by the Lords Commissioners of Her Majesty's Treasury, or by the Secretary of State for Foreign Affairs. You will, therefore, be attentive in forwarding regularly the necessary authorities with your accounts.

#### RELIEF OF BRITISH SUBJECTS.

XI. The abstract of disbursements for the relief of distressed British subjects, which is to accompany your account, is to be made out according to the annexed Form, No. 2.

XII. You are desired, in granting such relief, to confine yourself as much as possible to the expenses attending the forwarding to their own country, by the first convenient opportunity, of such British subjects who may be destitute, and who may apply to you for that purpose, or who may be delivered over to you by the local authorities;—and to such further expenses for their subsistence as may be abso-



lutely necessary, until such opportunity of forwarding them home may occur.

In case of the refusal of the party applying to you, to avail himself of such opportunity, you will (excepting in cases of absolute necessity) refuse all further assistance from that time;—and, in sending the parties home you will endeavour, in every instance, to make a final arrangement and payment of the whole of the expenditure to be incurred up to the time of the arrival of the individual in this country, so as to avoid the necessity of bills being drawn for passage-money, or subsistence, by the captain of the vessel, or by a merchant at the out-port in England on the arrival of the vessel, it being desirable that the whole of the expenditure incurred in these respects should, if possible, be included in your account.

XIII. You are not, excepting under the most urgent circumstances, to grant casual or occasional relief to British subjects employed as artificers and servants, or otherwise domiciled abroad, and not intending to return to their own country. In granting relief to persons of this description, you will be held responsible for confining yourself to cases where the parties would be otherwise left absolutely destitute of support, and for limiting the relief to a bare provision for their immediate subsistence. You will also make it a condition of granting such relief, that the party is not to apply to you a second time, and you will make the best arrangements in your power to prevent the possibility of a repetition of such relief becoming necessary. In every instance, also, in which you may have considered yourself justified in granting any pecuniary assistance to British subjects, otherwise than for the purpose of their immediate return to their own country, you will report the circumstances of the case to the Secretary of State in the explanatory letter which will accompany your annual account.

XIV. In support of the advances which you may make under the provisions of the 10th, 11th, 12th, and 13th sections of the Act,\* the production of the order of the Secretary of State for the payment of the money will be indispensable, together with the receipt of the treasurer, trustees, or other persons duly authorised to receive the same; and you will also transmit, together with your annual account, an account (also in duplicate) for a corresponding period, of all sums contributed or raised for the purposes specified in the above clauses of the Act, signed by such trustees, or other competent persons, and approved by yourself. With respect to the application of the moneys raised under the above Act, it is presumed that the disbursements will not in general be made by yourself, but by the trustees, etc., of the subscription fund; and as the propriety of the charges under this

\* Vide Appendix.

head will be best ascertained by yourself on the spot, which you are required carefully to do, you will not be expected to annex to your accounts the receipts and under-vouchers relative to this head of expenditure. It will be sufficient for you to inclose a detailed statement of the particulars of the same, with a certificate from yourself annexed thereto, to the effect that you have examined the whole with the vouchers in the hands of the trustees, and that you believe the account to be correct.

XV. You will be allowed to charge the expense of such postage only as may arise from your communications with the Audit Office, on the subject of your accounts; and you are required to certify, at the foot of the abstract in which any charge of this description is contained, that the amount has been actually paid by you, and that the letters or packets in respect of which the charge has arisen, were all on the public service, and arising out of such communications as are above mentioned.

XVI. Consuls will be allowed to charge a commission of 2½ per cent. on their expenditure, provided they do not receive any salary or allowances in respect of their appointment, other than the fees which they are authorised to take pursuant to the fourth section of the Act; but no commission will be allowed to those Consuls who receive a salary, excepting such commission as they are allowed to charge in their accounts with the Navy Board.

XVII. As it is intended that the Consuls shall be the sole accountants to Government, and that the whole of the expenditure within their jurisdiction shall pass through their hands, you will instruct your Vice-Consuls not to draw bills upon the Treasury (by which they become separate accountants). At the same time, you must endeavour to avoid introducing into your account for any year, payments made by your Vice-Consuls in any former year, making such arrangements with them as to their drawing upon you for their salaries or otherwise, and also as to their sending in their accounts to you, as will enable you to include the whole of their expenditure for each year in your own account for that year.

*Foreign Office, 1846.*

**Form No. I.**

Her Majesty's { Consul-General } at \_\_\_\_\_ in Account Current with the Lords Commissioners of Her Majesty's Treasury.  
 Dr. { Consul } \_\_\_\_\_  
 From 1st January, 184 , to 31st December following.

184	£ s. d. (Currency)	184	(Currency.)
<p>To proceeds of my Bills on their Lordships, 30 days' sight          as per Abstract annexed</p>			<p>By disbursements towards the succour and relief of distressed British Subjects not Seamen          as per List and Vouchers, No. 1 to _____          By amount paid under the provisions of the Act of the 6th Geo. IV., c. 87, in aid of the funds raised or contributed by Her Majesty's subjects, towards defraying the expenses incident upon the due celebration of Divine Service at this Station, and for the other purposes mentioned in the 10th and 11th Sections of the Act;          as per Abstract of particulars and Vouchers, No. _____ to _____          By payments of Salaries of Vice-Consuls and other Officers and persons attached to the Consulate;          as per Abstract and Vouchers, No. _____ to _____          By payments for Consular contingencies;          as per Abstract and Vouchers, No. _____ to _____</p>
<p>We, being two of the principal Merchants residing at _____, do hereby certify that the Current Exchange for Bills on the British Government at 30 days' sight, between this place and London, on the days when the above were drawn, was as follows:</p>			<p>{ I hereby declare the above Account to be just and true, according to the best of my knowledge and belief.          (Signed)          (Date of Account.)</p>
			<p>Consul.</p>



## INSTRUCTIONS TO CONSULS RELATING TO MATTERS AFFECTING THE BRITISH MERCANTILE MARINE.

UNDER "THE MERCHANT SHIPPING ACT, 1854."

*Prepared by the Board of Trade, and approved by H.M. Secretary of State for Foreign Affairs.*

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## CONSULS' INSTRUCTIONS, ETC.

## PRELIMINARY.

1. THE following instructions relate to matters affecting Preliminary. the British Mercantile Marine, which by recent Legislation, and especially by the Merchant Shipping Act, 1854,\* (a copy 17 & 18 Vict. of which is annexed to these Instructions,) have been placed c. 104. under the general superintendence of the Board of Trade.

In framing them, the substance of those parts of the Act which specially relate to the Consuls' duties has been extracted, and where the case admits of it, special directions are given as to the details of the business to be transacted by the Consul, and as to the mode in which the powers vested in him should be exercised. He will, however, remember, that the Instructions do not dispense with the

\* Vide Preface.

obligation under which he lies of making himself acquainted with the Act itself. The Act is not a codification of the whole law, written and unwritten, relating to British merchant ships and merchant seamen; but a consolidation and amendment of the Statute Law upon these subjects. The Common Law, except where altered by Statute, remains still in force.

17 & 18 Vict.  
c. 120.

The former Acts are repealed by the Merchant Shipping Repeal Act, 1854, a copy of which is also annexed.\*

Former In-  
structions  
repealed.

Form (C. 1)  
in Appen-  
dix.

Explanation  
of Instruc-  
tions.

2. The Consul will find that, in consequence of the passing of the recent Acts, and of the issue of the present Instructions, the Instructions and documents mentioned in Form (C. 1) in the Appendix are superseded.

3. The Paragraphs in these Instructions are numbered for facility of reference, and marginal notes are added with references to the Acts of Parliament, Orders in Council, etc. Where these references contain the number of the section only, the reference is to the Merchant Shipping Act, 1854.

In the Appendix to the Instructions will be found various Forms to be used by the Consul. These forms, as well as those contained in the Schedule to the Act, must be strictly adhered to when the occasions for using them arise.

s. 2.

The Consul will see that the word "Consular Officer" in the Act includes Consul-General, Consul, Vice-Consul, and any person for the time being performing the duties of any of those officers. The word Consul is used in the same manner in these Instructions, which must, so far as concerns the relative position and duties of the officers above mentioned, be construed according to the regulations concerning the relations between them for the time being in force. The Consul will also see that throughout the Instructions the word "Seaman" is intended to include every person employed to serve in any capacity on board ship.

#### BRITISH SHIPS.

##### *Ownership.*

British Own-  
ership sole  
qualifica-  
tion.

4. The recent changes in the laws relating to navigation have removed many of the conditions formerly requisite to entitle a ship to carry the British flag, and to claim British privileges and protection. A ship may now be a British ship, and yet have been built at a Foreign port, and be manned and commanded by foreigners. The sole requisite which remains is, that she be owned by persons who owe

\* Vide Preface.

allegiance to the British Crown, and are subject to British law. These persons are defined to be,—

(a). Natural-born subjects, who have not sworn allegiance to any Foreign State, or who, having done so, have subsequently sworn allegiance to Her Majesty. Definition of British Ownership. S. 18.

(b). Persons who have been made denizens or naturalized, and have subsequently sworn allegiance to Her Majesty.

(c). Bodies corporate, subject to the laws of, and having their principal place of business in some part of Her Majesty's dominions.

And with respect to natural-born subjects who have sworn allegiance to any Foreign State, and to persons who have been made denizens or naturalized, it is required, as a further condition, that they shall either be resident in the British dominions, or members of a British factory, or partners in a house actually carrying on business in the British dominions.

5. For the purpose of ensuring compliance with the law, which defines the necessary conditions of British ownership, and also for the purpose of making correct entries in the Register Books of the particulars which constitute a title to shipping, certain declarations and certificates are required on the first registry of a ship, on transfers and transmissions of ships or shares in ships, and on transmission of interest in mortgages. Forms of these documents are contained in the Schedule to the Act, and are therein marked B., C., F., G., H., and L. They must, if made by persons resident in Her Majesty's dominions, be subscribed before the Registrar or some Justice of the Peace, as mentioned in the sections referred to in the margin; but where they are to be made in Foreign countries they may be made before a Consul. When application is made to the Consul for this purpose, he will see that the instrument is in the proper form, and contains all the particulars required in each case; he will point out to the parties the meaning of those statements which relate to their character as British subjects, and he will warn them that for any false statement, on this point the declarant is guilty of a misdemeanor, and that the interest in respect of which the declaration is made is liable to forfeiture. He will himself witness and attest the document and affix his Consular seal. If he is aware that any statement in the document is false or erroneous, he will refuse to attest it unless corrected; and if he has reason to believe this to be the case, but has no means of satisfying himself on the point, Declarations of Ownership. S. 38, 39, 40, 56, 58, 74. S. 31. S. 103.

he will, if the parties insist on signing the document, communicate his suspicions to the Commissioners of Customs in London.

s. 97. If in any case a declaration cannot be made in the form and with the particulars required, the Consul will annex to it and sign a memorandum of the variation and of the reasons for it.

s. 99. The Consul will note, that in certain cases of inability, referred to in the 99th section of the Act, certain persons are allowed to make declarations on behalf of the parties principally interested.

*Registry and Certificates of Registry.*

System of  
Registry.  
s. 19.

6. For the purpose of ascertaining British ownership, and determining the right to use the British flag, as well as for other purposes, the system of Ship Registry is continued, though in a modified form. With the actual registering of Ships, except in the points referred to below, the Consul will have little to do: but his special attention is called to the means which the system of Registry affords of distinguishing and identifying a British Ship; and his attention is also called to the rule, that with the exceptions mentioned in paragraphs 2 and 3, of S. 19., no ship is entitled to the privileges of a British Ship unless duly registered.

Ships which  
are subject to  
the new law.  
s. 19.

7. Ships registered before the 1st May, 1854, are not required by the Act to be registered anew, but every registration of a ship which takes place after that day, whether the ship has been previously registered under the old law or not, is subject to the new law.

Particulars  
required by  
s. 25.

8. The new law requires the following particulars before registry:

(a). The number denoting the Register tonnage, and also the official number of the Certificate of Registry, explained below (paragraph 10), must be deeply carved or otherwise permanently marked on the main beam.

s. 34.

(b). The name of the ship, and of the Port of Registry, are to be painted on a conspicuous part of her stern, on a dark ground, in white or yellow letters, not less than four inches in length. These names must not be concealed or obliterated, except for the purpose of escaping capture by an enemy; and the ship must not be described, by or with the knowledge of the owner or master, by any other name.

Certificate of  
Registry.  
s. 44.

9. Every British ship will, when registered, receive a Cer-

tificate of Registry in the form marked D. in the Schedule to the Act, which will contain,—

(a). The name of the ship and Port of Registry :

(b). The name of the master, and the number of his Certificate of Competency or Service (if any) :

(c). Various details concerning her tonnage, build, and description, set forth in the Certificate of Survey by the Measuring Officer, which will be in the form marked A. in the Schedule to the Act :

(d). Details concerning the origin and build of the ship :

(e). The names and description of the owners, and the proportions in which they are interested.

10. Certificates of Registry will be numbered in one perpetual and consecutive series for all ships in the British Empire, and each number when once given and placed on the Certificate will remain without change as long as the ship is in existence, and continues to be a British ship. This official number will, it is expected and intended, constantly be used to designate the ship, without any further name or description. The Consul will, however, in mentioning a ship in official letters and documents, always specify the name and port of registry, as well as the official number. Every existing Certificate of Registry will be stamped with this number as soon as there is an opportunity of so doing.

Numbers of  
Certificates  
of Registry.

11. It cannot be too strongly impressed upon the Consul that a Certificate of Registry is not, under the new Act, any evidence of title; and that although provision is made for having the names of the owners indorsed upon the Certificate whenever it is possible to do so, yet it will very frequently happen that sales may have taken place, either at home or abroad, which cannot be indorsed upon the Certificate, and also that no mortgages whatever will ever be officially indorsed upon it. Persons who wish to purchase or advance money on ships, must look for their title, not to the Certificate of Registry, but either to the Book of Registry, which is kept at the Port of Registry, or to the Certificates of Sale and Mortgage hereinafter mentioned.

Character  
and purpose  
of Certificate  
of Registry.

*The object of the Certificate of Registry is to show the national character of the ship, and it is only to be used for the lawful navigation of the ship.* It must, therefore, always remain with the ship so long as she remains a British ship, and must have the name of the master for the time being written or indorsed upon it.

The Consul will have certain special duties connected with this document, which are as follows :—

Duty of Consul with respect to the Certificate on change of master.  
S. 46.

12. Whenever the Master of a British ship is changed at a Foreign port, it will be the Consul's duty to require the Certificate to be produced to him, to indorse upon it and sign a memorandum of the change, adding the number of the new Master's Certificate of Competency or Service (if any), and to report the change, on the first opportunity, to the Commissioners of Customs in London. If, however, the change is made in consequence of the sentence of a Naval Court (see paragraph 114), it will be the duty of the President of the Court to take these steps.

In case of loss, destruction, or transfer to foreigner.  
S. 53.

13. Whenever any ship is lost or abandoned, taken by the enemy, burnt or broken up, or is transferred to a person not qualified to own a British ship, or from any other reason ceases to be a British ship, notice is to be given as soon as possible to the Registrar; and the Certificate of Registry, unless lost or destroyed, is to be returned to him. For this purpose it will be the Consul's duty, whenever any such event takes place within his consulate, or whenever the master of any ship in respect of which any such event has happened arrives within his consulate, to demand from him the Certificate of Registry, and to forward it, with a statement of the circumstances under which he has obtained it, to the Registrar of the port of registry of the ship. As the Certificate of Registry is a document proving nationality, it is most important that this provision should be strictly observed, in order to prevent the Certificate from being improperly used; and if the Consul should find any difficulty in enforcing it, he will not fail to point out to the offending parties that they are liable to a penalty of 100*l.*, and to report the case to the Commissioners of Customs in London.

In cases where the Certificate is improperly used.  
S. 52.

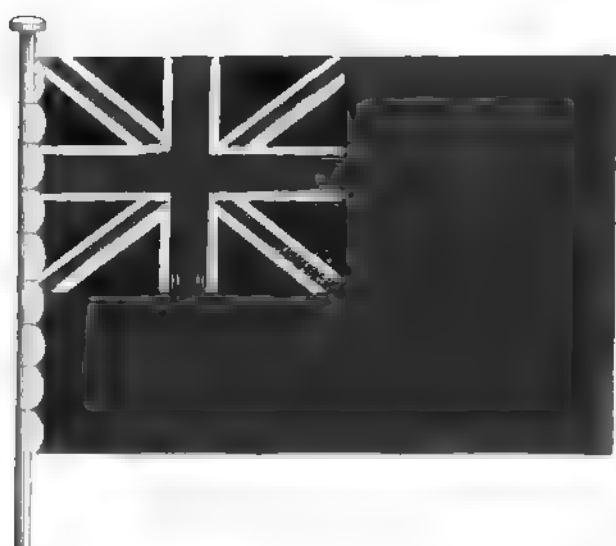
14. If a Certificate of Registry is used for any ship other than that for which it was granted, the persons so using it are guilty of a misdemeanor, and the ship is liable to seizure and condemnation. If the Consul should become aware of any offence of this description, or any attempt to commit it, he will not fail to warn the parties of their liabilities, and also to inform the Commissioners of Customs in London; but he will not exercise the power of seizing the ship given him by the 52nd section of the Act, unless he has reason to believe that the offence is wilful and fraudulent, and that it is intended thereby to obtain means of committing piracy or of





*C. 4. see paragraph 17.*

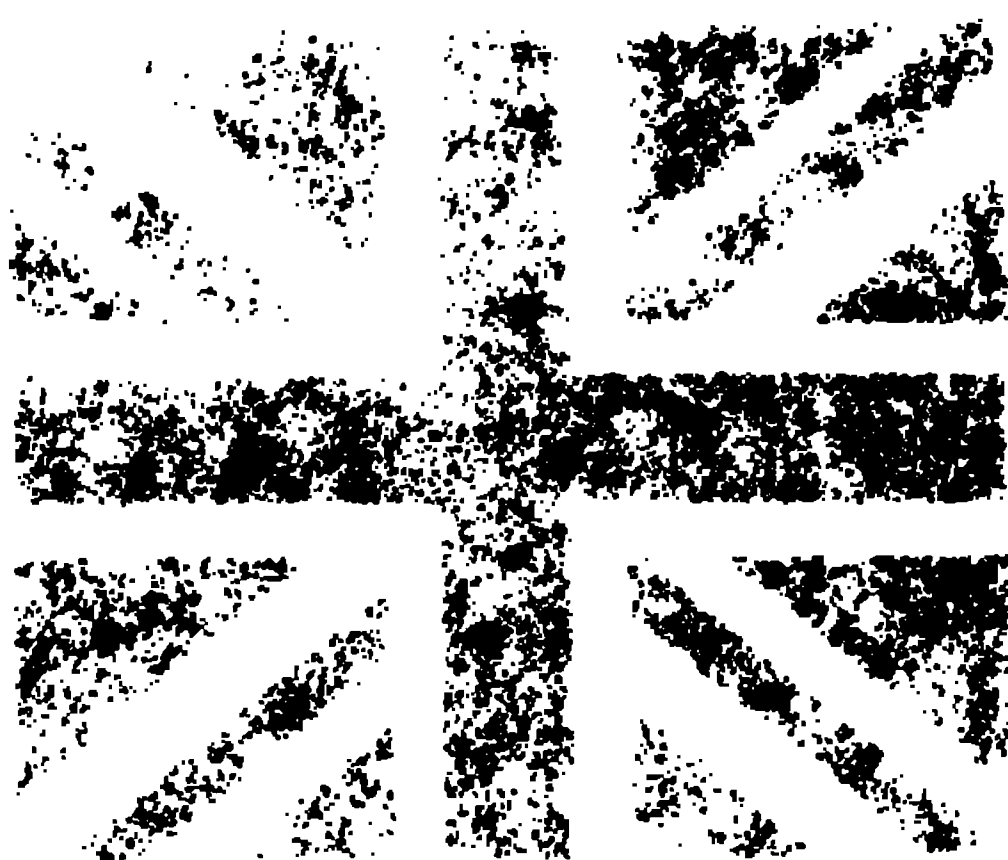
*Drawing of the Ensign or Color to be worn on board all British Merchant Ships.*



th 17.

Printed

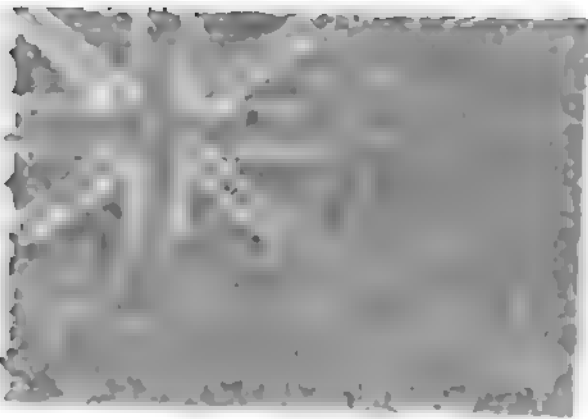
W. A.



10/10/11

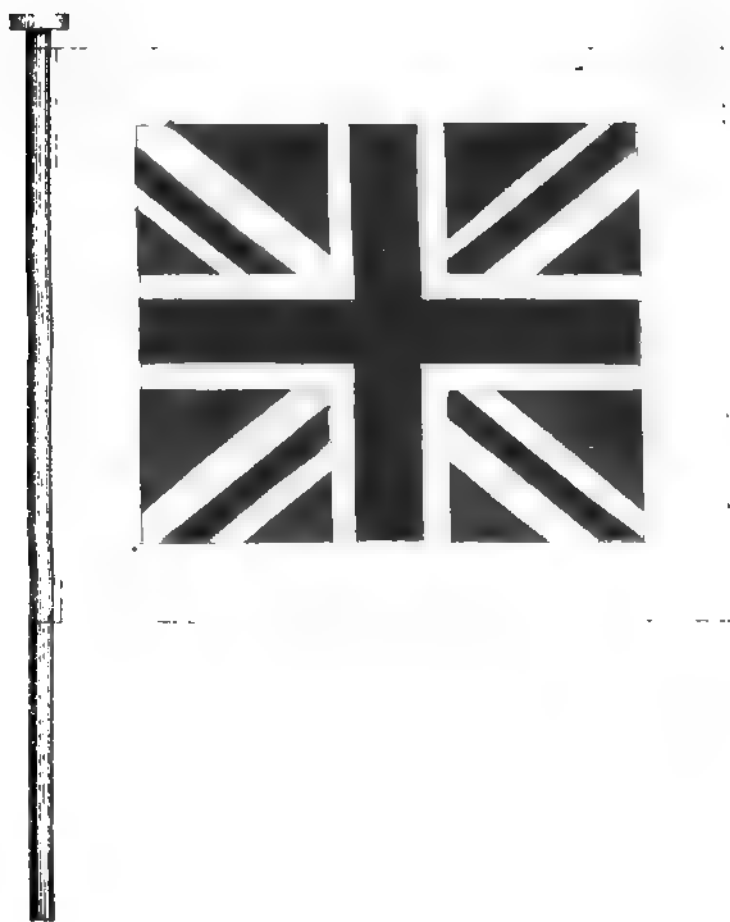
11

11/11/11



*C.5. see Paragraph 17.*

*Drawing of the Flag to be hoisted  
by all British Vessels for a Pilot.*



*Viz: A British Union Jack with a  
border of White of one fifth of the  
breadth of the Jack.*



avoiding lawful capture by the cruisers of Her Majesty or of Her Allies in time of war, or of defrauding the Revenue, or of doing some other act manifestly contrary to public policy. (See paragraphs 19 to 21.)

15. The Consul will observe, that in certain cases the Commissioners of Customs and the Governors of Colonies may grant a Pass, enabling a ship to make a single voyage from one port in Her Majesty's dominions to another, without a Certificate of Registry.

Provisional  
Passes from  
one part of  
Her Ma-  
jesty's domi-  
nions to ano-  
ther.  
S. 98.

16. A General Index will be kept by the Registrar-General of Seamen and Shipping in London, in which will be entered, for reference, all particulars concerning the titles to British ships wherever registered; but the actual title to a ship will depend, not on the entries in this index, but on those contained in the Register Book kept at the Port of Registry. A list of the ships whose registers are cancelled will from time to time be sent to the Consul by the Registrar.

General In-  
dex.

*Flags to be carried by British Ships.*

17. The flag to be carried by British ships is the Red Ensign, a drawing of which is annexed, Form (C. 4) in Appendix. The flag to be hoisted by British ships for a pilot is the Union Jack with a white border, a drawing of which is also annexed, Form (C. 5) in Appendix. If any colours usually worn by Her Majesty's ships, or any pendant, or any distinctive national colours, except those above mentioned, be hoisted in any British ship or boat without warrant from Her Majesty or the Admiralty, the master, the owner, if on board, and every other person concerned, is liable to a penalty not exceeding 500l.: and Consuls and other public officers may board the vessel, and take away such colours or pendants.

Flags to be  
carried by  
British  
ships.  
S. 105.

Forms (C. 4)  
and (C. 5.) in  
Appendix.

18. The Consul will make known in the most public manner throughout the district of his Consulate the above rules concerning flags, and he will cause a notice of such rules, with a copy of the flags to be used to be exhibited in some conspicuous part of his office. If he is informed that any British vessel hoists improper colours, he will send or go on board, and will seize the pendant or colours so hoisted, and will for that purpose order the master to haul them down and deliver them up to him. If the colours are delivered up, care should be taken that the person to whom they are delivered is able, if called on, to prove their identity, either by

Steps to be  
taken when  
improper  
flags are  
carried.  
S. 105.

keeping them in his custody, or putting some mark upon them. In every case of offence, the Consul will report the facts to the Secretary of State for Foreign Affairs, in order that the Admiralty may consider whether any further steps should be taken. In so doing, he will state the official number, name, tonnage, port of registry, and destination of the ship, the name of the master, the nature of the pendant or colours improperly carried, the names, addresses, and destinations of any persons who have been witnesses of the offence, and the steps taken by the Consul and the result, with any statement or explanation given by the master.

*Simulation or Concealment of National Character.*

Penalties for false assumption or concealment of national character.

19. It is, as already noticed, of the utmost importance that the single remaining condition requisite to give to a ship the character and privileges of a British ship should be strictly performed, and it is also very important that the national character of a ship should neither be falsely assumed nor unduly concealed; so that on the one hand Her Majesty's Government may not be involved in any difficulties from claims to protection on the part of persons not entitled to use the British Flag, and so that on the other British ships may not, by concealing their national character, attempt to avoid obligations under which they are placed by British law. With the view of preventing these evils, the following offences are made punishable by forfeiture; that is to say :—

S. 103.

(a). Using the British flag and assuming the British character on board any ship owned or partly owned by persons not duly qualified for the purpose of making the ship appear to be a British ship, unless the assumption is made either for the purpose of escaping capture by an enemy, or by a foreign ship of war in exercise of some belligerent right :

(b). Carrying or permitting to be carried on board a British ship any papers or documents, or doing or permitting anything to be done with respect to such ship, with intention to assume a foreign character, or to conceal the British character of the ship from any person entitled by law to inquire into the same :

S. 62, 63, 64.

(c). The acquisition as an owner by an unqualified person of any interest in a ship assuming to be a British ship, except in certain cases of descent and transmission, for which special provision is made in the Act :



(d). Wilfully making a false declaration concerning the qualification for ownership. §. 103.

In order to enforce forfeitures in the above cases, Consuls and other public officers are enabled to seize and detain ships, and take them for adjudication before Courts of Admiralty, and they are exempted from any responsibility §. 104. on account of the detention if reasonable grounds exist for the same. The Consul will, however, act in this case as in the case of a Certificate of Registry improperly used (see paragraph 14), and will not seize the ship unless he has reason to believe that the offence is wilful and fraudulent, or that it is intended thereby to obtain means of committing piracy, or of avoiding lawful capture by the cruisers of Her Majesty or of Her Allies in time of war, or of defrauding the revenue, or of doing any other act manifestly contrary to public policy. He will, however, in every case warn the parties of their liabilities, and will point out that in addition to the forfeiture, any person guilty of the offences secondly and fourthly above specified, is liable to be prosecuted for a misdemeanor, and he will also report every such offence to the Commissioners of Customs in London.

20. A ship is not entitled to the privileges of a British ship unless duly registered, as above mentioned (paragraph 6); but in order to prevent British ship owners from attempting to evade British law by not registering their ships, it is provided that so far as regards payment of dues, liabilities to payments and penalties, and the punishment of persons for offences committed on board such ships by persons belonging to them, ships belonging to persons qualified to own British ships are to be considered British ships, although not registered. British owners not registering, to have the liabilities but not the benefits of British law. §. 19. §. 106.

21. In dealing with cases arising under the above-mentioned enactments, Consuls will remember that according to well established principles of International law, the owner of any ship using a national flag, and assuming a national character, cannot, upon any trial or judicial proceeding, be allowed to urge to his own advantage, or in his own defence, that the flag and character so assumed are not the flag and character which properly belong to the ship. Rule of International law.

#### *Purchases, Mortgages, and Sales at Foreign Ports.*

22. Persons qualified to own British ships may purchase Foreign ships at a Foreign port. In such cases the ship Purchase of ships by British owners

at a Foreign  
port, and  
grant of a  
Provisional  
Certificate  
by Consul.  
S. 54.

Form (C. 2)  
in Appen-  
dix.

cannot be completely registered until she arrives at some port in the British dominions where there is a British Registrar: but in order to prevent the inconveniences and dangers which would arise from the ship making her homeward voyage without papers showing the national character, the Consul is enabled to grant a provisional Certificate, to remain in force until the expiration of six months, or until the arrival of the ship at some port having a British Registrar, whichever first happens. In granting this Certificate he will attend to the following particulars :—

He will require from the purchaser, or from the agent of the purchaser, a declaration containing a statement of the qualification of the purchaser, similar to those contained in Forms B. or C. (as the case may be) in the Schedule to the Act, and containing also such of the other particulars contained in those forms as can be obtained without requiring a new survey or measurement; and this declaration should, so far as possible, be in the same form, and be made with the same formalities and precautions, as declarations given for the purpose of the final registry of the ship, except that it must be marked "Provisional."

He will then prepare a Certificate of Registry, adhering as nearly as possible to the Form D. in the Schedule to the Act, except that at the top must be written in large and conspicuous characters the word "Provisional," and that at the foot, or in some conspicuous place, must be added the words "This Provisional Certificate of Registry continues in force "only until the                      day of                      [*insert the day of the expiration of six months from the date*], or until she "completes her voyage from                      [*insert the port at which the Certificate is given*] to some port at which there is "a British Registrar, whichever first happens." The provisional Certificate must be signed by the Consul instead of by the Registrar, and must be sealed with his Official seal. No official number is to be inserted. A form of Provisional Certificate of Registry, filled up according to the circumstances of the case, as assumed, is given in the Appendix. (Form C. 2.)

He will keep a duplicate of the Certificate, and send it with the Declaration to the Commissioners of Customs in London, on the first convenient opportunity, and in so doing he will endorse on the Certificate a statement of the British port to which the ship is bound.

He will warn the master and the purchaser or his agent, that the Provisional Certificate is only in force until the ship reaches the first British port at which there is a Registrar, or at the expiration of six months, whichever first happens, and that she must then be surveyed, measured, and completely registered.

23. All Transfers of ships will henceforth be made, not by indorsement on the Certificate of Registry, which, as mentioned above (paragraph 11), is no longer a document of title, but by entry in the register books. As, however, there are numerous cases in which an owner may desire to sell or mortgage his ship when away from the port of registry, the following plan is adopted :—

24. The owner will obtain from the Registrar at the port of registry a Certificate containing a power to sell or mortgage the ship. This document will be in the form M. or N. in the Schedule to the Act (as the case may be); it will contain the names and descriptions of the persons by whom, and the limits of time within which it is to be exercised, and the place or places (if it is intended to fix the place) at which it is to be exercised, and also in cases of mortgage the maximum amount of charge to be created, if it is intended to fix a maximum, and in cases of sale the minimum amount of purchase money, if it is intended to fix a minimum. These particulars will, when the Certificate is given, be entered in the Register Book, so that persons at home purchasing or advancing money on the ship will have full notice of all sales or incumbrances made under the Certificate whilst the ship is abroad. Mortgages and sales duly made in exercise of the powers thus given will have just the same effect as if they had been made in the Register Book, viz., they will give a good title, except against persons of whose prior claims the purchaser or mortgagee has actual notice. Mortgages and Sales made under common Powers of Attorney are not absolutely prohibited, but they will have no validity against sales or mortgages made under Certificates abroad, or by entry in the Registry Book at the Port of Registry, and those who take under them will therefore do so at their own risk.

25. The duty of the Consul in respect of mortgages to be made under these Certificates will be as follows :—

(a). In case of Certificates of Mortgage, which may be exercised in favour of Foreigners as well as of British subjects, he will see that the document presented to him is in

Mortgages  
and sales of  
ships in Fo-  
reign ports.

Certificates  
of sale and  
mortgage.  
S. 76, 77, 78,  
79.

Duty of Con-  
sul in respect  
of Mortgage  
made under  
Certificate.  
S. 80.

the form and contains the particulars required by the Act, and that it is signed by the Registrar of the port of registry :

(b). He will see that the proposed mortgage is in accordance with the terms of the Certificate, and that the person or persons exercising the power are the person or persons named for that purpose in the Certificate, and he will warn the mortgagee, that if this is not so, his security will not be good :

(c). He will record upon the Certificate the particulars of the Mortgage, in the form given in the note to the form M. in the Schedule, or as near thereto as may be, taking care in no case to state unnecessary particulars, or to incumber the Certificate with anything but the bare terms of the mortgage; and he will sign the record and affix his Consular seal :

(d). He will be careful to make this record as soon as the Certificate is produced to him for the purpose, and to insert the day and hour on which it is done.

(e). If two or more mortgages are produced to him for indorsement, he will record them in the order in which they are produced, whatever may be their respective dates.

Transfer of  
Mortgage  
made under  
Certificate.  
S. 80, 73.

26. If a mortgage made under a Certificate of Mortgage is transferred, and the instrument of transfer is produced to him, he will record upon the Certificate of Mortgage the fact of the transfer and the name of the transferee, and the date and hour of its being recorded, and will also make a memorandum on the instrument of transfer to the effect that it has been so recorded, stating the date and hour of such record.

Discharge of  
Mortgage  
made under  
a Certificate.  
S. 80.

27. Whenever a Mortgage made under a Certificate of Mortgage is discharged, and the mortgage deed, with a receipt for the mortgage money indorsed thereon, signed by the mortgagee, or by some duly authorised agent of the mortgagee, and attested, is produced to the Consul, whether such Consul be the person in whose presence the mortgage has been made or not, he will make an entry upon the Certificate of Mortgage, to the effect that the mortgage is discharged, and will sign such entry and affix his Consular seal. This entry should be in the form (C. 3) in the Appendix, or as near to it as circumstances permit.

Form (C. 3.)  
in Appen-  
dix.

The effect of this entry will be to place the title of the ship in the same condition as if the mortgage had not been made. The Consul will warn the parties to this effect, and that no re-conveyance or other legal document is necessary.

28. The Consul will warn the parties to any dealings upon a Certificate of mortgage, that it will be necessary to re-deliver it to the Registrar of the Port of Registry of the ship as soon as it can conveniently be done.

*Certificate of Mortgage to be re-delivered to Registrar. S. 80.*

29. In cases of Certificates of Sale, the Consul will only have to deal with transfers to foreigners, as the Act does not require him to take any part in transfers made at a foreign port under these Certificates to British subjects. In cases of such last-mentioned transfers, the ship must be registered anew; and for this purpose the Certificate of Sale, accompanied by the Bill of Sale, and the proper declarations, must be transmitted to the Registrar at the port of registry.

*Duty of Consul in respect of Certificates of Sale. S. 81.*

In cases of sale to foreigners the Consul will see that the Certificate of Sale is in the form and contains the particulars required by the Act, and that it is signed by the Registrar at the port of registry.

He will see that the proposed sale is in accordance with the terms of the Certificate, and that the person or persons exercising the power is or are the person or persons named in the Certificate; and he will warn the purchaser that unless this is so, his title will not be good. He will require to be produced to him the Bill of Sale by which the ship is transferred, the Certificate of Sale, and the Certificate of Registry, and will retain the Certificates of Sale and Registry; he will then indorse on both such Certificates the fact of the sale, stating shortly the name and description of the transferee, the amount of the purchase money, and the date of the transfer. He will then forward these Certificates by the first opportunity to the Registrar of the port at which the ship was registered. He will warn the parties that unless the Certificates of Sale and Registry are produced to him, as above mentioned, the sale will be invalid, and the purchaser will acquire no title.

30. In order to enable persons who have granted Certificates of Sale and Mortgage to revoke them, provision is made to enable the registered owner of any ship for which a Certificate of Sale or Mortgage has been granted, to require the Registrar by whom the same was granted to give notice to the Consul at the place where the power given by the Certificate is to be exercised that the Certificate is revoked. In such cases the Registrar will give such notice by a document in the Form O. in the Schedule to the Act, signed by him and addressed to the Consul. The Consul on receiving such

*Revocation of Certificates of Sale and Mortgage. S. 83.*

notice will immediately record it, stating the day and hour of the receipt of the notice and of the record ; and, if the Certificate of Sale or Mortgage is produced to him, will acquaint all the parties producing such Certificate, or proposing to deal thereunder, that he has received such notice, and will show it to them, and will warn them that no dealing under the Certificate subsequent to the date of the record will be valid. The Consul will also immediately upon the receipt of any such notice write to the Registrar from whom it comes, and inform him whether the powers given by the Certificate have previously been exercised.

Instruments should be in forms given in Schedule to Act.

31. The Consul will warn the parties to these transactions that Bills of Sale and Mortgages will be valid and sufficient if made in the forms contained in Forms E. and I. in the Schedule to the Act, or as near thereto as circumstances permit, and that lengthy legal documents are an unnecessary expense and inconvenience, and may prove otherwise prejudicial.

Book to be kept for above particulars.

32. For the purpose of recording transactions in ships under the above-mentioned provisions, the Consul will keep a book in which he will record, in order, every Mortgage, Transfer of a Mortgage, and Discharge of a Mortgage, and every Sale made before him, stating the date and hour, the names and addresses of the parties, the name, official number, and port of registry of the ship, the consideration paid or advanced, and, in case of a mortgage, the interest. He will also record in the same book any revocation of a certificate of sale or mortgage, as directed in paragraph 30. He will allow any person to inspect this book at all reasonable hours, and he will at the end of every quarter send a transcript of the entries for the preceding quarter to the Commissioners of Customs, London.

#### MASTERS AND SEAMEN.

##### *General.*

General duties as regards the Crews of British ships.

33. The Consul's duties under this head are very onerous and important. Under the Act, many special functions and powers are committed to him, as mentioned in the following instructions : but he will remember that, independently of these special duties, he is looked upon as the representative of British law in his Consulate ; that his position is one the authority and functions of which it is impossible to define with the same strictness as in the case of public officers acting within the British dominions ; that he will frequently

be appealed to as an arbitrator; and that upon his patience, judgment, and temper, in settling differences which may arise amongst the crews of Merchant ships, must often depend the welfare and safety of many important lives, and of much valuable property.

*General Cognizance by Consul of Masters and Crews, and steps to be taken on their arrival.*

34. The Masters and crews of British ships arriving at the port will, in most cases, even if the masters do not for other reasons wait upon the Consul, be brought under his cognizance by some one of the following provisions :

Cognizance  
of masters  
and crews.

35. All ships which arrive at his port, and remain there for 48 hours, are bound within that time to deliver to him the agreement with the crew, and the indentures and assignments of the apprentices on board. These he is to keep during the ship's stay in port, to make upon the agreement the indorsements mentioned in paragraphs (43), (44), (47), (53), (60), (64), (84), (94), (102), below, and if there has been any neglect of the law, an indorsement containing a statement thereof. At a reasonable time before the departure of the ship, he is to add a certificate, stating when the documents were delivered to and returned by him, and stating also the time at which the ship first entered the port, and to return the documents to the Master. In making these several indorsements the Consul may include them in one statement, signing it once only. If he becomes aware of any transgression of the law by the Master, or if in any case the above documents are not duly delivered to him, he is, by the first opportunity, to report the facts to the Registrar of Seamen, London.

Documents  
to be deli-  
vered to  
Consul.  
S. 279.

36. In making the indorsements above mentioned, the Consul will remember that he is responsible for the correctness of the statements they contain, and is bound to satisfy himself by inquiry of their truth.

Consul to be  
careful in  
making in-  
dorsements.

37. Any seaman or apprentice who desires to make complaint to the Consul, is to be permitted to go ashore in proper custody to make such complaint, under a penalty of ten pounds on the Master if, without reasonable cause, he refuses to allow it.

Complaints  
to Consul.  
S. 232.

38. In addition to the general power of complaining to a Consul, mentioned above (paragraph 37), power is given to any three or more of the crew of a British ship to complain

Power of  
seamen to  
complain of  
provisions  
and water.  
S. 221.

S. 222.

to a Consul that the provisions or water for the use of the crew are of bad quality, unfit for use, or deficient in quantity. Upon any such complaint being made, the Consul will, unless he is satisfied that it is frivolous or vexatious, have the provisions or water examined. If the result of the examination is such as to satisfy him that the complaint is well-founded, he will cause a notice in writing under the hand of the person making the examination to be given to the master of the ship, specifying the particulars in which the provisions or water are found to be bad, unfit, or deficient, and requiring the master to provide proper provisions, or water, or to make up the quantity, as the case may require, and giving him notice that if he fails to do so, he will be liable to a penalty of 20*l*. If, on the other hand, the result of the examination shows that there was no reasonable ground for the complaint, each of the parties complaining will be liable to forfeit to the owner one week's wages, and of this the Consul should apprize the complainants when the complaint is first made. Whenever any such examination as aforesaid. has been made, the Consul will enter in the Official Log Book the result of the examination, and will also send to the Board of Trade a report, containing the names of the complainants, the particulars of the complaint, an account of the examination, and of the result thereof, and of the steps, if any, thereupon taken by the master; such report to be signed by the Consul, and sealed with his official seal. The Consul will be particularly careful and accurate in framing this report, as it may be produced in evidence in subsequent legal proceedings instituted either against the master for the penalty, or for the allowances mentioned in the 223rd section of the Act, or upon a question as to forfeiture of wages under the 222nd section.

Powers of  
inquiry.  
S. 13.

39. In any case where the Consul has reason to suspect that any provisions of the Merchant Shipping Act, 1854, or any law concerning seamen or navigation, are not complied with, he may require the Owner, Master, or any of the Crew of any British ship, to produce any Official Log-books or other documents relating to the crew; he may call for a list of the crew; he may take copies of the documents; he may muster the crew; and he may require the Master to give any explanation concerning the documents; and any person disobeying is liable to a penalty not exceeding 20*l*.

Notice of  
Epidemic

40. If there is any epidemic disease raging at the place, or



if there are any disturbances or other causes making it unsafe or improper for British ships to enter into the port, or stay there, the Consul will take such means as he can to warn the Masters, on their arrival, of the danger.

41. The Consul will, so far as in his power, make known to British Masters the various Local Regulations to which they may be subject on their entry, or during their stay in port, and will assist them in complying with such Regulations, so that on the one hand the Local Laws may be obeyed, and so that on the other British Masters may not be subjected to unnecessary inconvenience.

42. The Consul will keep a Register of all British ships coming to his port, with the particulars and in the form (C. 6) in Appendix, together with any other particulars he may think it desirable to record, and will, every quarter, send a transcript of it with his accounts to the Board of Trade.

#### *Agreements with Seamen.*

43. Whenever a seaman is engaged in any British ship in any port where there is a Consul, the sanction of the Consul must be obtained; the Consul must cause the agreement to be read over and explained to the seaman, or otherwise ascertain that the seaman understands it before he signs it. The seaman must then sign it in the Consul's presence, and the Consul must attest the signature and indorse on the agreement a statement in the form (C. 7) in the Appendix.

The Consul will pay particular attention to this part of his duty, as very great evils and inconveniences are found to arise from the fact that men are engaged in foreign ports through the medium of private shipping agents, and often without any knowledge of the terms on which they are engaged, or the service required from them.

44. In cases where an agreement has been made with seamen, and the parties to it desire to make an alteration in it while at a foreign port, all persons interested in the alteration must appear before the Consul and signify their consent, and the Consul must indorse upon the agreement an attestation that the alteration has been made with such consent in the form (C. 8) in the Appendix.

#### *Seamen discharged or left abroad.*

45. As great evils have arisen from British seamen left destitute in foreign ports, and as great expense is incurred

by the Government in relieving them and sending them home, very stringent provisions are made to prevent their being so left, unless in cases of necessity, and also unless due precautions are taken for their return to their native country; and it will be the Consul's duty to pay careful attention to the steps required in order to carry these provisions into effect.

Forcing men  
ashore, &c.  
S. 206.

46. Any Master or Mate, or other person belonging to any British ship, who wrongfully forces any seaman on shore and leaves him behind, or who otherwise wrongfully and wilfully leaves behind any person belonging to his ship at any place in foreign parts, is guilty of a misdemeanor, and it will be the Consul's duty, when necessary, to warn Masters of this enactment, and to report to the Board of Trade any cases which fall within its provisions.

On Change  
of Owner-  
ship.

S. 205.

47. When seamen have been engaged to serve in any particular ship, and the ship is transferred or disposed of at any place out of Her Majesty's Dominions, the men are released from their agreement, and may quit the ship if they please. In that case they are to be treated as men discharged abroad (paragraphs 49 and 55 to 64), and to be provided for accordingly. If, however, they consent to continue in the ship, and to complete the voyage for which she is destined, they must appear before the Consul, and must signify their consent to him, and must in his presence sign new articles or an indorsement on the old articles to the effect that they have so consented, and the Consul must attest their signatures.

In all cases  
application  
to be made  
to Consul.  
S. 207.

48. Whenever the Master of any British ship discharges or leaves behind in any Foreign port any person belonging to his ship, he must apply to the Consul. The Consul will then examine into the grounds of the proposed discharge, or into the grounds on which the man is to be left behind, and may, if he thinks it necessary, administer oaths for that purpose.

Sanction  
how to be  
granted in  
case of dis-  
charge.  
S. 207.

49. The steps to be taken in cases of desertion are mentioned below (paragraphs 101 and 102). In all other cases in which men are left behind, the sanction of the Consul must be obtained before the discharge can be effected.

In considering the propriety of granting or withholding this sanction, the Consul will remember that the discharge cannot lawfully be effected without the consent of the man who is to be discharged, unless it is proved that he cannot or will not perform the duty for which he was engaged, or is sent home for trial as a prisoner, or is discharged by a Naval

Court, as mentioned below (paragraph 115). The Consul will also bear in mind the obligations under which the Master lies, which are mentioned in paragraph 56, below.

50. In cases where the application is by the Master, and the ground alleged is misconduct, or breach of duty on the part of the seaman, the Consul will be guided by his discretion in granting or withholding the sanction; he will remember, however, that it is not a slight act of misconduct which will justify the step, but that just apprehension of grave and serious consequences to the ship and crew ought to be proved.

When applied for on the ground of misconduct:

51. In cases where the application is by the seaman, and the ground alleged is ill-treatment or breach of agreement by the Master, or danger on board, the Consul must also be guided by his discretion; but he will remember that the case must be of a very grave character, and very distinctly proved, in order to entitle a seaman to his discharge before his contract is completely performed.

When applied for on the ground of ill-treatment.

52. In cases where the ground of the proposed discharge is unfitness or inability to proceed to sea, the Consul will not grant his sanction or certificate unless he is satisfied that the man is in reality unable to do his duty on board, or would be in danger were he to proceed.

When applied for on the ground of inability.

53. If the Consul is satisfied that the discharge ought to be sanctioned on any of the above grounds, he will indorse upon the agreement a Certificate in the form (C 9) in the Appendix.

Certificate to be indorsed on agreement. Form (C. 9) in Appendix.

54. Masters and Owners being subject to heavy penalties and liabilities if men are left behind without such Certificate, and the burthen of proving such Certificate being thrown by the Act upon them, it is important that the Consul should be careful that it is properly granted or withheld, and that he should satisfy himself of the correctness of the statements it contains by proper evidence. The mere report of the Master, unsupported by other testimony, ought in no case to be deemed sufficient.

Penalties accruing in default of sanction. S. 208.

55. Whenever any seaman or apprentice is discharged or left behind, on any ground except desertion, the Consul will see that the Master gives him a Certificate of Discharge in the Form (C. 11) in the Appendix. Printed forms are issued for this purpose in the shipping offices in the United Kingdom, and it is expected that Masters will generally take with them as many as they consider necessary. If the person

Certificate of discharge, &c., to be given. S. 205. Form (C. 11) in Appendix.

discharged was possessed of a Certificate of Competency or Service, and it is held by the Master, the Consul will see that it is restored to him.

Wages to be  
settled.  
S. 205.

56. In all cases in which seamen are discharged or left behind, their wages are to be paid, and it will be the Consul's duty to see that this is done in manner mentioned below (paragraphs 58 to 64).

Principles  
on which  
Amount is  
to be deter-  
mined.

S. 183.

57. Any questions that may arise in estimating the sum due for wages will be decided by the same Rules of Law by which they would be decided in judicial proceedings in England. The Consul will observe that by the present Act the Law is altered so as materially to affect the amounts which will be payable in certain cases which will come before him. The old rule that "freight is the mother of wages" is entirely abolished; and consequently, in cases of wreck, the seaman will be entitled to wages for all the time prior to the date at which he quits the service of the ship, unless it is shown that he has not exerted himself to the utmost to save ship, cargo, and stores. The law is further altered by making the right to wages in cases of wreck, and in cases of discharge on account of illness, to terminate with the termination of the service, so that in no case can a sailor, whose service is terminated by those causes, claim wages for the remainder of the voyage.

S. 185.

Whenever  
the Seaman  
is provided  
with other  
Employ-  
ment.  
S. S 171, 205.

58. If the seaman is to be provided with immediate employment in some other ship, the Master will deliver to him an account of his wages, and will pay the amount which is proved to be due to the seaman himself. The Consul's duty will merely consist in seeing that the matter is properly transacted, and in arbitrating between the parties, if necessary. He has no judicial power vested in him, but the power of granting or withholding his sanction of the discharge will generally enable him to see that justice is done.

If the man is  
to be left on  
the Consul's  
hands, an ac-  
count of his  
wages must  
be given.  
S. 209.

59. If, however, the Consul is not perfectly satisfied that the seaman is at once about to be provided with employment, as above mentioned, in some other ship, or has any reason to fear that the man will be left behind on his hands, he will require from the master a full and true account, in

Form (C. 12)  
in Appendix.

*duplicate*, of the wages due on the form (C. 12) in the Appendix. This account is to be examined and compared with the agreement and Official Log Book or other book in which deductions are entered, and no deductions are to be allowed unless they are duly entered and proved to the satisfaction

S. 171.

of the Consul to be just. The Account should be submitted to the seaman for his approval, unless he is from illness incapable of attending to it.

60. The Master is then to pay the balance to the Consul, either in money or by a bill drawn upon the Owner, and also to deliver the effects of the seaman, if he has any, to the Consul. The Consul will then indorse on one of the copies of the account a receipt for the money (or bill) and property delivered to him, and will return it to the master, informing him that he will be called upon to deliver it to the Shipping-master at his port of destination in the United Kingdom; and the Consul will add to the Certificate which he indorses upon the agreement of the vessel (see paragraph 53), a statement of the circumstances under which the seaman has been left in his charge, specifying the amount of wages, or other property, which has been paid to the Consul, and whether it is paid in money or by a bill. In all cases it will be better that the payment should be made in money; but when the payment is by bill, the Consul will certify on it that it is drawn on account of seamen's wages, and the seaman should indorse the bill.

Balance to  
be paid to  
Consul.  
S. 209.

61. In cases in which no expenses are incurred by the Consul for a seaman so left behind, or if all the expenses incurred are such as the master or owner of the ship are bound to pay, the whole sums and property received are to be paid and delivered to the man, upon his getting employment or leaving the port, as stated in paragraph 58. But in cases in which any expenses are incurred (other than such as the master and owners are liable for), either in maintaining him, or in sending him home, the money received on account of his wages or property must be brought into the quarterly account current with the Board of Trade, mentioned below (paragraph 163), and Appendix, form (C. 26), and the duplicate forms of account (C. 12) in Appendix must be sent with the account. The expenses so incurred by the Consul, or afterwards to be incurred in sending the seaman home, must be deducted from the money received, and the balance only (if any) is to be paid to the seaman. On making this payment, the Consul will deliver to the seaman an account of the sums received and expended on his behalf, in the Form marked (C. 13) in the Appendix, a copy of which, with the seaman's receipt for the balance, must be transmitted by the Consul to the Board of Trade, as a voucher for

Money re-  
ceived as  
wages, &c.,  
how to be ac-  
counted for  
and paid.  
S. 210.

Forms (C.  
12), (C. 13),  
& (C. 27), in  
Appendix.

the payment, which is to be charged in his quarterly account current, under the head of Wages paid to seamen.

If the wages of the seaman have been paid to the Consul by *bill*, he is not to pay the seaman the balance, but refer him to the Board of Trade for settlement; and the Board of Trade, upon receiving a copy of the account, form (C. 13), with an explanatory statement from the Consul, will, if any balance is due to the seaman, pay it to him upon his return to this country. Even where the payment is by money and not by a bill, a similar course should be pursued in every case in which the seaman is sent home at the public expense, and in which the expense thereby incurred cannot be recovered from the owners, and cannot, for any reason, be deducted on the spot by the Consul from the balance due to the seaman.

Case of  
wages, &c.,  
paid by bill.

62. When the wages or other sums above mentioned are paid by a bill, and not in money, the bill must be indorsed by the seaman, and the Consul will certify on the back of the bill that it is for a seaman's wages, and will treat it accordingly, either delivering it to the seaman, or sending it to the Board of Trade, to be recovered upon from the owners, as the case may require. In the latter case the amount is to be entered in the column for that purpose on the Subsistence List (C. 20), and an entry should be made on the Account Current under the proper head, in the column "Bills drawn on Owners" (C. 26), see Appendix.

Forms (C. 20)  
and (C. 26) in  
Appendix.

In case of  
death.

63. Should the seaman die, the account is to be rendered as in the case of wages and effects of deceased seamen. (See paragraphs 90 to 99, below.)

Certificate to  
be indorsed  
on agree-  
ment.  
SS. 205, 209.

64. In every case in which a seaman belonging to any ship is left behind, except it be on the ground of desertion or shipwreck, the Consul will add to the certificate which he indorses on the agreement of the ship relative to the delivery of the documents (see paragraph 35), a certificate in the form (C. 9), in the Appendix, or to the same effect.

Form (C. 9) in  
Appendix.

### *Relief of Distressed Seamen.*

Persons to  
be relieved.  
S. 211.

65. The functions of the Government under this head, hitherto performed by the Admiralty, are, from the 1st April, 1855, transferred to the Board of Trade. The persons to be relieved under the direction of the Board of Trade are seafaring persons, being British subjects, who, having been engaged either in merchant ships, or in H.M. ships, or in ships be-

longing to any foreign power, or to any foreigner, are shipwrecked, discharged, or left behind, and are found in distress in foreign ports. Foreigners who have served in British ships, and who in the course of such service are by reason of shipwreck, or otherwise, left in distress within the limits of the Consulate, may be relieved and sent back, either to their own country, or to the country in which they were shipped, whichever may be the cheapest or most convenient, in the same manner as British seamen, *provided that they cannot obtain relief from their own Consuls, to whom application should always be made.* But relief must not be given to foreigners unless their distress is immediately consequent upon and owing to their employment under the British flag. The Consul will also take care not to charge to the Board of Trade expenses incurred on account of any person whatever, not coming within the description above given, or to order a passage for them to this country. The Consul will also take care not to afford relief to any persons, except such as are destitute and without any money or other means of subsistence.

66. Men falling or being sick while their ships are in port are not to be considered as on that account entitled to relief, <sup>Men falling sick. S. 224.</sup> but are to be cured as far as practicable by the means with which, under the 224th section of the Act, every ship must be provided. The Consul may, however, take charge of any such sick seaman, if for the purpose of preventing infection, or otherwise for the convenience of the ship, it is considered desirable that he should be temporarily removed from the ship. Should the seaman subsequently return to his duty, the expense of removal and of providing the necessary advice and medicine, and of his subsistence while away from the ship, must be paid by the master, in the manner mentioned in paragraph 67. If, however, the man should continue ill to the time of the vessel sailing, and it appears that he is unable to proceed to sea in the vessel, the Consul may treat him as a person who is left behind on the ground of inability to proceed on the voyage.

67. For any expense the Consul may incur in respect of men and boys injured in the service of the ship, whether for medical advice, subsistence, or burial, the masters and owners are liable. If such expense is not repaid on the spot by the master, the expense and repayment must be entered in the accounts. If the expense is not repaid, separate vouchers <sup>Men injured in service of ship. SS. 228, 229. Form (C. 18) in Appendix.</sup>



are to be rendered with the quarterly account and an account in the Form (C. 18) is to be transmitted to the Board of Trade, in order that the amount may be recovered from the owner.

Men ship-  
wrecked.  
Form (C. 18)  
in Appendix.

68. In cases of shipwreck of British vessels, where the master or crew apply to the Consul for assistance while engaged in remaining by the wreck for the preservation of the property or for the collection and disposal of the materials and stores, they are while so employed *not* to be considered as distressed mariners to be relieved at the public expense, but as seamen entitled to wages and maintenance. When the service is concluded, they will be treated as seamen discharged abroad, and their wages must be paid accordingly. (See paragraphs 45 to 64.)

If the Consul finds it needful to advance money for their subsistence before their discharge, he may do so on obtaining a written undertaking from the master to repay the amount advanced. If the master does not fulfil this undertaking, the Consul is to charge the amount in his general quarterly account with the Board of Trade, together with a separate account, Form (C. 18) in the Appendix, and vouchers, in order that the sum advanced may be recovered from the owners.

Foreign sea-  
men in Bri-  
tish ships.

69. If foreigners are employed in British ships they are, so long as they are in the service of the ship, to be treated as British seamen, and must not be discharged in Foreign Ports without the sanction of the British Consul. If such men are shipwrecked or left behind in distress, the Consul is to refer them to the Consul of their own nation; and if he does not relieve or send them away, Her Britannic Majesty's Consul may do so, sending them to the country in which they were shipped, or if it can be done as cheaply, but not otherwise, to their native country.

One shilling  
a day the  
limit of sub-  
sistence  
money.  
S. 211.

70. The sum which the Board of Trade have fixed as the limit of the allowance to be given to a distressed seaman is 1s. per day. If a sufficiency of the necessaries of life for a day cannot possibly be obtained for the above allowance, the men are to be relieved upon *the most reasonable terms in the Consul's power*. If, however, a sufficiency of the necessaries of life can be obtained at a less rate, no more than is absolutely requisite to purchase the same is to be allowed, since it is clearly not the intention of the Legislature or of the Government to grant any superfluous allowance to seamen in distress, or to encourage them to idleness by too comfort-



able a subsistence at the public expense. Relief is only to be given them until an opportunity offers for sending them to some port in the United Kingdom, or in the colony or other British possession to which they belong, or of otherwise disposing of them. No higher rate is to be paid for a master, mate, or other officer, than for a seaman.

71. A voucher for all such payments is to be sent with the accounts in the Form marked (C. 20) in the Appendix. The witness to the signature or mark of the seaman must be some disinterested person, and must not be the Consul. If the seaman is too ill to sign the voucher, a certificate to that effect, by some disinterested person, must be added.

Vouchers for such payments. Form (C. 20) in Appendix.

72. If it is found more economical that the men should be boarded, than that an allowance in money should be paid, the bills and receipts of the persons with whom they are so boarded must be sent, in addition to the vouchers containing the signatures of the men.

Boarding distressed seamen allowed.

73. Distressed seamen may, if necessary, be supplied with clothing, but the Consul is to take particular care that they are not provided at the public expense with more than is absolutely necessary, and that no superfluous or expensive clothing is on any account allowed: they are not to be provided with boots, but with shoes only; neither are they to be allowed silk handkerchiefs, gloves, mitts, or similar articles, except in cases of pressing necessity, to be explained by the Consul. No difference is to be made in the quality of the clothing supplied to masters, mates, and common seamen.

Clothing may be supplied.

74. No bedding of any description is to be purchased for them, except in cases of extreme necessity, as wherever it is practicable it should be provided for them in the house where they are boarded while in the Consul's charge, and in the vessel in which they are brought to this country. If, however, this is impracticable, and the case imperatively requires it, the Consul may purchase such articles of bedding as are absolutely necessary. In such case they must be accounted for in the same way as clothing.

Bedding.

75. The Consul may also provide distressed seamen, when necessary, with medical advice and medicines.

Medical assistance.

76. The Consul will render the account for the supply of clothing in Form (C. 21), and for medical assistance and medicines in Form (C. 22), in the Appendix, and will transmit therewith bills of particulars and receipts from the persons to whom the money is paid, together with the signature or

Accounts of clothing and medicine. Forms (C. 21) and (C. 22) in Appendix.

mark of the seamen, in proof that they were supplied with the articles or received the medical attendance charged for; and a certificate from himself (the Consul), that the clothing or medical attendance was absolutely necessary, and could be obtained by the parties in no other way.

Extraordi-  
nary ex-  
pense.  
Form (C. 23)  
in Appendix.

77. In any case of unusual expense, or when the Consul considers it absolutely necessary to deviate from his instructions in relieving seamen, he must be very particular in explaining the causes in a letter accompanying his accounts.

Should it become necessary to continue men on charge longer than one month, a statement of the fact is to be noted against their names in every subsequent subsistence list. (See paragraph 78.)

If it is necessary to send distressed seamen from one place to another in the foreign country, the expense is to be charged in the form (C. 23) in the Appendix.

Subsistence  
list.

78. The names of seamen *to whom the Consul affords relief of any description, or through any channel, or in any manner whatever*, are to be included in the subsistence list, Form

Form (C. 20)  
in Appendix.

(C. 20), in the Appendix, with all the particulars thereby required. This list should always commence with the names of the seamen who have been continued on the list from the preceding quarter, and opposite each man's name should be entered the numbers marked against it in the register book referred to below, paragraph 79.

Register of  
distressed  
seamen.  
Form (C. 19)  
in Appendix.

79. A register book, in the form (C. 19) in the Appendix, is to be kept by the Consul, in which the names and other particulars of the seamen whom he takes charge of are to be entered. The numbers are to be continued consecutively, from 1st April to 31st March in each year, and to commence afresh with No. 1, on the commencement of every new financial year.

Reference is to be made in the subsistence list, and in all other accounts of disbursements, to the number in the registry book for the respective seamen.

Expenses in-  
curred by  
foreigners in  
relieving  
British sub-  
jects.

80. If British seamen have been saved by any Foreign ship, and brought to the port for which the Consul is acting, the Consul will, if he thinks it a case for so doing, repay to the Owner or Master of the Foreign Ship any expenses actually incurred in maintaining them. In every such case, he will represent the facts to the Board of Trade, stating the circumstances under which the men were saved, the time for which they had been maintained on board, and any other

circumstances justifying the payment. If the Foreign ship has been put to any extraordinary expense or inconvenience, the Consul will report the circumstances to the Board of Trade, in order that steps may be taken, if it is thought to be a case for so doing, to reimburse the foreigners.

81. The Consul will also, in any case where the lives of British subjects have been saved by Foreigners, or where very meritorious services have been rendered by Foreigners to British ships or British subjects, report the case to the Secretary of State, in order that Her Majesty's Government may have it in their power to consider the propriety of making some acknowledgment or bestowing some reward. When payments are directed in such cases, the Consul is to charge the total amount so paid in the quarter as a separate item in the account current, and to transmit a list of the payments with the receipts of the parties and the authority of the Secretary of State as vouchers. In every report made to the Secretary of State in such cases he will state whether any and what expenses have been repaid under paragraph 80, above.

Saving of life, &c., by foreigners to be reported.

Payment of Rewards.

#### *Sending distressed Seamen home.*

82. As soon as an opportunity offers, and it can be safely done, the Seamen in receipt of relief from the Consul are to be sent home, either to the United Kingdom, or to the colony or possession to which the men belong, as the case may require.

Men in distress to be sent home as soon as possible. S. 211.

83. For this purpose a British ship wanting men is to be preferred, so that the men may work their passage home. The Consul will ascertain the want of men by reference to the number of her original crew appearing on the agreement. If such a ship can be found, they should, if fit for it, be entered upon the articles of the ship as part of her crew. If there is no ship wanting men at the place, they are not to be detained for the purpose, but are to be sent as supernumeraries in any other British ship; so, however, that no one ship be required to take more than one supernumerary for every fifty tons of her registered tonnage. If the men are in health, and prefer other proper employment to being sent home, the Consul may sanction it, provided it be such employment as not to lead to their being again left in distress.

Ships to be chosen for this purpose. S. 211.

84. The Consul will indorse upon the agreement of the ships in which men are sent home, the name of each man and

Indorsement on articles. SS. 211, 212.

boy put on board, specifying the day they embark; and he will also fill up, sign, and deliver to the master of the vessel an order in the Form (C. 16) in the Appendix.

Form (C. 16)  
in Appendix.

Expense,  
how to be  
paid.  
S. 212.

85. The Consul is not to pay masters of merchant vessels bringing home distressed seamen, but is to inform them that upon their arrival at any port in the United Kingdom, they are to deliver the aforesaid order to the shipping master, having previously filled up and signed the declaration at the foot thereof. Proof will be required by the Shipping Master that the seamen have been landed, to enable him to sign the certificate to that effect. The order will be forwarded by the shipping master to the Registrar-General of Seamen, who will send it to the Board of Trade, and an order for payment will be made to the master or owner at the rate of 1s. a man per day for every man brought home who has not acted during the voyage as one of the crew of the vessel.

When distressed seamen are sent home to any British possession abroad, by a Colonial or other vessel not bound to the United Kingdom, the order is to be delivered by the master, after making the required declaration to the Collector of Customs at the port, who will either take steps for paying it at once, or transmit it to the Registrar-General of Seamen, to be sent to the Board of Trade; and, in the latter case, payment will be authorized either in the Colony or in the United Kingdom, as the Master or Owner may by written order direct. In the case of foreign seamen sent to their own country, the same course will be pursued, except that the order will be delivered to Her Britannic Majesty's Consul there, instead of to the Collector of Customs. He will then pay the amount, and charge it in his accounts.

Treatment  
of men on  
board.  
S. 212.

S. 245.

86. The Consul will point out to the master of the ship in which seamen are sent home, that he is bound, under a heavy penalty, to provide them with berths effectually protected against sea and weather, and that if this is not done, and if their subsistence and treatment is not what it should be, he will not be entitled to reimbursement. He will also point out that the men sent home are subject to the same rules of discipline as the crew.

Steps to be  
taken in case  
of refusal to  
take the  
men.  
S. 212.

87. As no prosecution can be instituted with success against the masters of merchant ships for refusing to take a seaman on board for a passage to a British port, without proper evidence, the Consul is in all such cases of refusal (unless there is some good reason for it) to make a formal re-

quisition to the master in writing, and to send a copy of such requisition to the Board of Trade, with the answer of the master (if any), and is also to see that the distressed seaman himself is present when the requisition is delivered to the master, and is to desire him, upon his subsequently obtaining a passage home, to call as soon as he arrives in this country, either upon the Registrar-General of Seamen in London, or, if he is at an outport, upon the Shipping Master there. The Consul will also give the seaman a letter addressed to the Secretary of the Board of Trade, containing a statement of the circumstances of the case, to be delivered to the Registrar or Shipping Master, as the case requires; on the outside of letter is to be written a direction instructing the bearer to leave his address with the Registrar or Shipping Master, and a duplicate of the letter is to be sent to the Board of Trade by the Consul, with the copy of the requisition and answer above referred to.

88. Whenever there are no British merchant vessels in which distressed seamen can be sent home, and the Consul thinks it desirable, in order to avoid delay and expense, to engage a passage for them in foreign merchant vessels, he is at liberty to do so, but is in such cases to avoid, if practicable, making any payment beforehand for such passage, but to furnish the master with the requisite forms and information for his guidance in claiming payment from the Board of Trade. This may be done through the Foreign Consul at the port to which the vessel is bound, who will transmit the necessary forms to the Board of Trade, stating the date when the men were landed, and directions will then be given for the payment.

Foreign ships may be used in cases of emergency.

89. In all cases where relief is given to seamen who have been left behind by the master without *full compliance with the provisions of the Act* (see paragraphs 45 to 64), a separate account, in form (C. 18), in the Appendix, is to be forwarded with the vouchers, so as to enable the Board of Trade to recover the sums expended from the owners.

Recovery of expenses from owners. S. 213. Form (C. 18) in Appendix.

#### *Wages and Effects of deceased Seamen.*

90. The Act makes careful provision for the collection and distribution of the wages and effects of seamen and apprentices who, being engaged or sent home in a ship which is to terminate her voyage in the United Kingdom, die before the voyage is completed. To effect this, it is provided, that in

Master to account for wages and effects of men dying during a voyage. S. 194.

all such cases the master is to take charge of all money, clothes, and effects, which the deceased leaves on board; and if he thinks fit, to cause all or any of the said clothes and effects to be sold by auction at the mast or other public auction, and is thereupon to sign an entry in the official log-book containing the following particulars: (that is to say),

(a). A statement of the amount of the money, and a description of the effects so left by the deceased:

(b). In case of a sale, a description of each article sold, and the sum received for each:

(c). A statement of the sum due to the deceased as wages, and the total amount of the deductions (if any) to be made therefrom;

And is to cause such entry to be attested by a mate and by one of the crew.

In certain cases of death at sea, the Consul is to demand and receive the wages, &c.  
S. 195.  
Form (C. 15) in Appendix.

S. 196.

Expenses attendant on

91. If ships touch and remain 48 hours at a foreign port, the Consul will inquire whether any seaman or apprentice has died during the voyage, or at the port, and will, if necessary, call for the official log book, or other papers. It is the master's duty to report these particulars, but the Consul will take care nevertheless to make the inquiry. In cases where such a death has happened, and the Consul after inquiry finds that the vessel is not returning immediately to the United Kingdom, and that payment of the wages and effects of the deceased, if delayed until such return, will retard settlement of the claims of relatives beyond the time at which such settlement might be completed if the property were remitted by the Consul, he will require from the master the payment of the wages either in cash or by bill on the owners, and the delivery of the effects (or of the proceeds of the effects, if sold) of the deceased. An account in the Form (C. 15) in the Appendix must be delivered by the master to the Consul, who will examine it by comparing it with the agreement and official log book, and will allow such deductions from wages only as he is satisfied are just and lawful. The Consul will notice and point out, if necessary, the heavy penalties to which masters are liable should they make default in accounting for the wages, etc., and if default is made, he will report the case to the Board of Trade, and indorse on the articles of the ship a notice thereof.

92. The rules for determining whether expenses attendant

on illness or death are to be borne by the owner or to be deducted from the wages of the seaman will be found in <sup>illness or death.</sup> section 228. With regard to burial expenses, it is to be <sup>S. 228.</sup> observed that the sum to be deducted must be reasonable. The sums actually charged are often exorbitant, and the Consul will therefore be careful to disallow so much of any such charge as is not reasonable and necessary.

93. A master has no power at law to detain a seaman's effects in order to cover advances made to him ; and no such <sup>Advance no charge on effects.</sup> deduction will be allowed by the Board of Trade, except in cases where the effects consist of articles supplied by the Master, which are still unpaid for, or of money detained as a set-off against the advances.

94. Upon receipt of the money and effects, the Consul will indorse upon the agreement of the ship, and sign a certificate <sup>Consul to give receipt. S. 195.</sup> or receipt, stating the sum of money and articles received by him. The account in the Form (C. 15) he will transmit with <sup>Form (C. 15) in Appendix.</sup> his accounts to the Board of Trade. He will also in all cases certify on the agreement of the ship, either that he has or has not demanded and received such wages and effects.

95. In general, it will be desirable that the effects of deceased seamen enumerated in the Form (C. 15) and delivered to the Consul should be sold by him ; and when this <sup>Effects, how to be dealt with. Forms (C. 15) and (C. 17) in Appendix.</sup> is done, the proceeds must be added to the amount of wages entered on the Form ; there may, however, be special cases, in which it is desirable for the benefit of relatives that certain effects should be sent home, and in such cases the Consul will endeavour to send them free of expense, and with as little delay as possible. They are to be addressed to the shipping-master at the port in the United Kingdom to which the vessel in which they are sent is bound, with a Form (C. 17) in the Appendix filled up and directed to the shipping-master.

96. When any seaman belonging to any British ship which is to terminate her voyage in the United Kingdom, dies (at the port) leaving money or effects on shore, the Consul is to claim and receive such money and effects, and to sell the <sup>Money and effects of seamen belonging to a British ship dying at the port. S. 195, 197. Form (C. 14) in Appendix.</sup> effects, except in such special cases as are referred to above (paragraph 95), and to transmit full particulars of the sale to the Board of Trade. He will credit the proceeds and the money left (if any) in his account current under the head of proceeds of effects of seamen dying at the port. For every

seaman so dying, a separate account should be made out in Form (C. 14) in the Appendix, showing the amount received for wages and effects, and the amount disbursed for expenses, and should be sent to the Board of Trade. This account must be sent in all cases, whether any balance remains due to the estate of the deceased seaman or not.

Wages and effects of seamen dying within the Consulate. S. 197. Forms (C. 14), (C. 15), and (C. 26), in Appendix.

97. Subject and without prejudice to the provision made by the foregoing Instructions for the cases therein mentioned, the Consul will also in every case in which any British seaman, in whatever service he may have been engaged, dies either on board or on shore within the limits of the Consulate, do his utmost to claim, receive, remit, and account for the wages and effects. In cases where the men are discharged, he will act as mentioned above (paragraphs 45 to 64). In cases in which seamen die without having been discharged, whilst their ship is still at the port, he will act in like manner, so far as circumstances permit. In other cases, he will do his utmost to obtain all the money and effects which belong to the men, and are at the place, and he will then deal with, and remit and account for them in precisely the same manner, so far as circumstances permit. In all cases, all money received must be entered in his accounts with the Board of Trade, under the proper head, and a separate form (C. 14) or (C. 15), as the case may be, must be sent for each man, whether any balance remains due to his estate or not. An account of the proceeds of the sale of the effects belonging to and money in possession of such seamen is to be sent to the Board of Trade quarterly. See Form (C. 25) in Appendix.

Seamen's wills. S. 200.

98. The Consul will observe and point out to parties who are interested, that in order to entitle persons claiming under a seaman's will to demand his effects from the Board of Trade, it must be shown that the will, if executed on board ship, was executed in the presence of and attested by the master or mate, and if on shore, in the presence of certain official persons mentioned in the Act.

Estates and effects of Masters.

99. The foregoing instructions relate to all persons employed in the service of any British ships, except masters. Their effects, if they die in foreign ports, are to be treated in the same manner as those of other British subjects. If, however, they have Certificates of Competency or Service, these should be sent to the Registrar-General of Seamen, Custom-house, London.



*Discipline.*

100. The Consul's duties under this head are extremely important; but as the mode in which he must act must depend, in a great measure, upon the country in which he is, and the position and powers there given to him, it is impossible to lay down general rules which will meet every case, and he must be guided by his own discretion, and by such particular instructions as may be given him from time to time. Section 243 contains a list of the principal offences committed on board ships, and their respective punishments; but throughout the whole of the Third part of the Act will be found provisions bearing more or less on the subject of discipline; and upon the various questions which arise between a master and his crew.

General duties.

Rules in S. 243.

In grave cases, however, which the Consul feels involve great responsibility, he will do well when practicable to avail himself of the assistance of a Naval Court in the mode pointed out below. (Paragraphs 109 to 123.)

*Desertion.*

101. In cases of desertion, when the Foreign Authorities are required by treaty to give assistance, or where without such treaty they are willing to do so, the Consul will, if desired so to do by the Master, and if satisfied of the justice of the case, apply to the Local Authorities to have the deserter arrested, and placed on board; any expenses, however, attending this proceeding, must in all cases be paid by the Master.

Recovery of deserters.

102. Whenever a seaman is left behind on account of desertion, an entry of the desertion must be made in the Official Log-book, and must be signed by the Master and by the Mate, or one of the crew. This entry in the Log-book must be shewn to the Consul, and he will then examine into the allegation of the desertion so made; and if after full inquiry he is satisfied that it is correct, but not otherwise, he will indorse upon the agreement a certificate, s. 207, in the form (C. 10) in the Appendix.

Further steps in case of desertion. S. 244. Form (C. 10) in Appendix.

s. 207.

The Consul will then make copies of the entry in the Official Log-book, and of the Certificates so indorsed by him upon the agreement, and will certify the same to be true copies, and seal them with his official seal, and will transmit them by the first opportunity to the Registrar-General of

Seamen, Custom House, London, in order that they may be produced in evidence, if required.

*Interference of Foreign Courts of Justice.*

Interference  
of foreign  
courts.

103. In considering how far the interference of Foreign Courts should be allowed or invoked, the first question to be looked at is whether there are any treaties on the subject existing between this country and the country in which the Consul is acting. To the express stipulations of such treaties, all general rules of international law are subject; and the Consul will therefore be guided by them in the exercise of his own functions, and will call upon the Local Authorities to act in accordance therewith.

Local police  
laws and  
regulations.

104. Subject to any such treaties as aforesaid, the Consul will remember that every country has the right of enforcing its own criminal law and police regulations in its own ports and harbours, and that if any offence against such laws or regulations is committed in such ports or harbours, on board a British ship, the offender is liable to be dealt with accordingly. In such cases the Consul's duty will be confined to seeing that the offender is fairly tried, and that justice is properly administered. If the laws or regulations of the place are in fault, it will be a matter for representation to the British Minister in the country, or to Her Majesty's Secretary of State.

Offences  
punishable  
both by the  
local and by  
British law.

105. In cases where the offence is one which is punishable both by the law of the place as above-mentioned, and also by British law as mentioned in paragraph 125, and where the Local Authorities are willing to interfere if required by the Consul to do so, but not otherwise, he will consider whether the ends of justice will be best met by calling for such interference, or by sending the offender to trial in some British Court of Justice. The questions he will have to consider are,—Which is the speediest and most certain mode of obtaining justice,—which course is the best for the convenience of the ship and the witnesses,—and above all, whether the principles and practice of the Foreign Court can be relied on, and whether its proceedings and modes of punishment are such as would be considered proper and humane in this country.

Imprison-  
ment in fo-  
reign ports.

106. In any case in which, from whatever cause, any British seaman is committed to prison or otherwise punished in any Foreign country, the Consul will see that the place of confinement and mode of treatment is such as would, in this

country, be considered proper and humane; if it is not, he will report the case to the British Minister in the country, or to Her Majesty's Secretary of State.

107. Subject to the exceptions mentioned above, the Consul will remember that, according to well-established rules of national law, a British ship carries British law with her, and that all offences committed on board such ship on the high seas, and all mere breaches of discipline in Foreign ports, as well as all matters arising out of the contract with the crew, are to be judged of by British law. In some Foreign countries the Local Courts of Justice will take notice of, and adjudicate upon, such contracts; but in these cases it is usual for such Foreign Courts to act, in the case of a British ship, not according to their own law, but according to British law, so far as the construction of the contract is concerned. Except in cases where the Consul cannot settle the matter otherwise, it is extremely undesirable that disputes between the Masters and crews of British ships should be taken into Foreign Courts; but whenever this is done, the principles above mentioned should be adhered to. The Consul should explain the British law; and if this is not followed, he should report the case to the British Minister, or Her Majesty's Secretary of State. Except as above-mentioned, a British ship carries British law with her.

108. In cases where British seamen are employed in Foreign ships, the Consul will remember that, in accordance with the principles mentioned above, they are, whilst so employed, subject to the law of the country to which the ship belongs, and not to British law. If, therefore, the Consul is called upon to interfere in their behalf, he should, either in applying to the local authorities, or in taking any other steps that may be necessary, endeavour to obtain the assistance of the Consul of the country to which the ship belongs. British seamen serving on board foreign ships.

#### *Naval Courts.*

109. The power of summoning these Courts is given to Consuls in the absence of any officer commanding one of Her Majesty's Ships, and in cases where such an officer is at hand, the Consul should, if he considers there is a case for a Naval Court, apply to such officer, or refer the parties to him. The cases in which a Naval Court may be summoned are the following: Cases and mode of summoning Naval Courts. S. 260.

(a). If the Master or any of the crew of any British ship

make a complaint to the Consul, which appears to him to require immediate investigation :

(b). Whenever he thinks that the interests of the owner of the ship or cargo require it :

(c). Whenever a British ship is wrecked, lost, or abandoned within or near his Consulate, or whenever the crew or part of the crew of a ship which has been wrecked, lost, or abandoned abroad arrives at any place in his Consulate.

In cases of dispute and breach of duty, &c.

110. In judging whether the case is one which requires a Naval Court or not, the Consul must use his discretion. In cases of quarrels between the master and crew, he will not incur the trouble and expense of such a Court, when he thinks that the matter is a trifling one, or that it can be settled satisfactorily by his own arbitration. But if the general state of discipline in the ship is very bad, or if the charges made involve important nautical questions, or if powers are necessary which the Consul alone cannot exercise, he will do well to summon a Naval Court; and he will remember that the acts of such a Court, if in accordance with the Act of Parliament, will be recognized by British Courts of Law, whilst the powers of Consuls are extremely undefined, and their acts will frequently have no validity or effect in case of any subsequent legal proceedings.

In cases where the removal of a Master or the compulsory discharge of any of the crew appears to be necessary, the Consul will almost always find it desirable to have recourse to a Naval Court.

In cases of wreck and loss.

111. In cases of wreck, loss, or abandonment, the object of summoning a Court will be to ascertain what the causes of the wreck, loss, or abandonment may have been, and therefore if it is clear that it has been caused by unavoidable accident, it will be unnecessary to institute a formal inquiry; but if there is any suspicion that it has been caused by the misconduct or neglect of the Master, or any of the crew, or by reason of the ship being insufficiently manned, or if it has arisen from any causes the investigation of which would be attended with benefit, such as the deviation of compasses, want of proper lights, or sea marks, or errors in charts, it will be desirable to have the case investigated by competent men at the earliest possible period after the occurrences. See further on this subject (paragraphs 137 to 154) below.

Persons to constitute court.  
S. 261.

112. The Court is to consist of three, four, or five members, and the question of which of these it should consist

must depend upon circumstances. Whenever it is possible one of these must be an officer in the navy of the rank of a Lieutenant, or some higher rank, one a Consul, and one a Master of a British merchant ship. If the Court consists of more than three, the remainder may be either Naval Officers, Masters of Merchant ships, or British merchants. If there is either no Naval Officer or no Consul at the place where the Court is held able to attend, his place may be filled up by a Master of a British merchant ship, or British Merchant.

The officer who summons the Court may be a member of it, but the master or consignee of the ship in respect of which or of the crew of which the investigation is made, must not ; and care should be taken to exclude any person who is in any way interested in the matter of the complaint ; care should also be taken, where there is a power of selection, to select those persons who are most fit to investigate the particular subject matter before the Court.

113. The proceedings of the Court should be conducted as far as possible upon the same principles as those of ordinary British Courts of Justice, so, however, as not to fetter it by technicalities or forms which do not conduce to justice. Due notice must be given to the parties, and to witnesses, to attend, and should they refuse to do so, the Court may use such powers to compel their attendance as may be at their disposal. Witnesses may be examined upon oath, if it is thought desirable, and the production of any documents important to the case may be directed. If the investigation involves a charge against any person, great care must be taken to give him full notice of the charge, and of the time and place at which the Court is to sit ; he should also be allowed to be present whilst the evidence is taken, and to bring any evidence or make any statement in his defence. Unless there is some special reason for the contrary, the Court should be open to the public.

114. In cases where, from the incompetency or misconduct of the Master of a ship, or for any other reason, it is necessary for the safety of the ship or crew, or for the interests of the owner, to remove the master, and appoint another person to act in his place, the Court may do so. This power involves great responsibility, and must be exercised with great discretion. The Court must be unanimous upon the point, and if there is a consignee of the ship at the place, the new appointment must not be made without his consent. The

Mode of  
proceeding.  
S. 262.

Power to  
supersede a  
Master.  
S. 263.

exercise of the power becomes the more important, since it enables the Board of Trade to cancel the certificate of the superseded master, whereby he may be deprived of his livelihood. The President of the Court will, in these cases, indorse on the Certificate of Registry a memorandum of the change of Master, and subscribe the same, and will report the change of master to the Commissioners of Customs in London. This report may be inclosed in the report to the Board of Trade hereinafter mentioned (paragraph 122).

Power to  
discharge  
seamen.  
S. 263.

115. The Court may, with or without the consent of the parties, discharge any seaman from his ship, and, if the case requires, may declare his wages or any part thereof to be forfeited; and may, in cases where the owner is a sufferer by the man's conduct, direct them to be detained by him by way of compensation, or may direct them to be paid into the receipt of Her Majesty's Exchequer. In the last case, the order must be fully inserted in the report to the Board of Trade mentioned helow (paragraph 122), in order that the Shipping-Master at the port where the ship is paid off may claim the forfeiture. The power of discharging men extends to the mates and to all persons employed in the ship. It is intended to meet those cases in which, either from the man's own misconduct, or from his maltreatment by others, or for any other reason, his remaining in the ship would involve danger to the discipline of the ship, or danger, or severe and unmerited hardship to himself. The power, however, should not be exercised except in extreme cases; and care should also be taken so to exercise it as not to throw unnecessary expense upon the funds expended for the relief of distressed seamen.

Power to  
decide ques-  
tions as to  
wages.  
S. 263.

116. The Court may decide any questions as to wages, fines, or forfeitures, arising between any of the parties to the proceedings. In so doing, it should be guided, as far as possible, by the rules of the Merchant Shipping Act, 1854, and of English law. If any seaman or apprentice is imprisoned in any foreign port by the local authorities at the instance of master or owner, or of the Court, or of the Consul, and the Court is of opinion that such imprisonment is just, it may make an order that all or any of the costs incurred in procuring the imprisonment, or of the maintenance of the offender while imprisoned, shall be paid out of and deducted from the wages of the offender.

Power to  
send crimi-

117. In cases brought where it appears that grave crimes

have been committed, a Naval Court may send home the offenders for trial, with the witnesses. In these cases it will be governed by the same rules as are hereafter laid down for the guidance of Consuls in like cases (paragraphs 124 to 136).

118. As regards costs, the Naval Court may, at its discretion direct them to be paid by any of the parties in the proceeding. These costs may include any expenses actually, properly, and necessarily incurred, either by the officers summoning the Court, or by any of the parties; but it must not include any remuneration to the members of the Court; and care must be taken, in all cases, to keep these costs as low as possible. If the Court are of opinion that the complaint is frivolous or vexatious, they may order the person who has made it to pay such sum as they consider to be a reasonable compensation for any loss or delay caused thereby. The Court may also order any costs or compensation to be deducted from the wages of the person whom it sentences to pay such costs.

119. If any costs actually and properly incurred by the Naval Court cannot and ought not to be paid by any parties to the proceedings, they may be charged in the Consul's Account Current with the Lords Commissioners of Her Majesty's Treasury, under the head of "Consular Contingencies;" but no such charges will be allowed unless they are reasonable, and proved by proper vouchers, and are shown to be such as cannot or ought not to be paid by any of the parties to the proceedings. The Consul will, therefore, in no case insert such charges in his Account with the Treasury, until he has referred the matter to the Board of Trade, and has received a specific authority to do so from the Secretary of State.

120. Especial care must be taken to frame the orders of the Court in the most full and distinct terms, and to follow in every particular the directions contained in the Act, as these orders will, if strictly made in accordance with the Act, but not otherwise, be capable of being received and used in any legal proceedings which may be instituted in Courts of Justice in the British dominions.

121. As soon as an order is made, it must be entered in the Official Log Book of the Ship to which the proceedings relate; and the entry must be signed by the President of the Court.

Report to be  
made to  
Board of  
Trade.  
. 265.

122. When the proceedings are concluded, a Report must be made to the Board of Trade, containing the following particulars, that is to say,—

(a). A statement or copy of the complaint or other matter, which may have caused the summoning of the Court :

(b). The steps taken thereupon by the Consul :

(c). A copy of the notice given to any person against whom any charge is made :

(d). The names and descriptions of the persons composing the Court :

(e). The depositions and other evidence taken before the Court, signed when practicable by the witnesses :

(f). The Order made by the Court :

(g). If any seaman or apprentice is discharged, an account of his wages should be added :

(h). When a ship has been wrecked, lost, or abandoned, there should be added a statement in full of the opinion of the Court as to the cause of the wreck, loss, or abandonment, with any remarks on the conduct of the master or crew, with any other circumstances connected with the loss which the Court think fit to make.

The report must be signed by the President of the Court, with his official title, and if he be a Consul, his Consular seal should be attached. The depositions and all the documents contained or referred to in it must be originals, and not copies, unless they are documents which it is absolutely necessary to keep for some other purpose ; in which case the copies must be certified by the President to be correct. The report must be then sent home by the first opportunity to the Board of Trade, with a covering letter from the Consul. The utmost attention should be paid in observing these formalities, as, without them, the proceedings of the Court will probably be rendered nugatory.

Penalties for  
obstructing.  
S. 266.

123. Should any person, without cause, obstruct the summoning or the proceedings of any Naval Court, the Consul will point out to him that he thereby incurs a penalty of 50*l.*, or imprisonment with hard labour for twelve weeks. And if he perseveres, he will report the case, with the names and addresses of the necessary witnesses, to the Board of Trade ; but the Consul will at the same time remember, that this penalty is not to prejudice any steps which, by courtesy of the local authorities or otherwise, he may be able to take on the spot.



*Crimes committed on the High Seas and Abroad.*

124. Crimes committed on the high seas on board any British ship, and offences against property or person committed at any place in foreign countries by any person who at the time of the commission of the offence belongs to any British ship, or by any British subject who has within the previous three months belonged to any British ship, are subject to the same punishments, and may be tried in the same manner as if they had been committed within the jurisdiction of the Admiralty in England, that is to say, according to the common criminal law of England.

Mode in which such offences may be tried, if committed by persons belonging to a British ship.  
S. 260.

125. The Consul will, however, remember that, subject to any special provision made by Treaty, offences against the municipal law of any country, committed within the limits of that country, although committed on board a British ship, and by British subjects, whether they may be tried according to British law or not, are certainly liable to be tried by the courts and according to the law of that country. The Consul will also remember that persons committing offences on board a foreign ship, though British subjects, are liable to be tried by the law of the country to which the ship belongs. (See paragraphs 103 to 108.)

Jurisdiction of foreign courts.

126. Upon a complaint being made to the Consul of any offence against British law having been committed on the high seas, or if without complaint he becomes aware of any serious offence having been committed on board a British ship, he may inquire into the case upon oath, and may summon witnesses before him for that purpose; and if there is evidence which in the opinion of the Consul is sufficient to substantiate the charge, he may send the offender to some place in the British dominions at which he can be tried. As prosecutions in such cases have often failed for want of observance of the requisite formalities, or for want of evidence, or for the want of a prosecutor, or of witnesses, and as sending home prisoners involves very serious expense, the Consul will be careful to observe the following rules.

Proceedings to be taken by Consul.  
S. 268.

127. The Consul will not send home the offender at the public expense, unless the crime is murder, attempt to murder, piracy, slave trading, manslaughter, aggravated assault, wilful destruction of the ship, deliberate and concerted mutiny, or some other offence of a very serious nature involving risk to the life or welfare of others.

Offenders to be sent home in aggravated cases only;

In cases of petty theft, and also in cases of insubordi- or where an undertaking

is given  
for the ex-  
penses.

nation and of other crimes of that description, the Consul will in no case send the offender for trial, unless the master or agent of the ship, or some other person against whom the offence has been committed, undertakes to prosecute and to pay the expenses of sending home the offender and witnesses. This undertaking must be such as to be satisfactory to the Consul, and must be forwarded by him to the Board of Trade.

Witnesses  
must be  
sent.

128. The Consul must in no case send an offender for trial, unless he at the same time sends the necessary witnesses to give *viva voce* evidence at the trial, or is satisfied that they are about to proceed to the place where the trial will be held. Sending the witnesses, however, must not interfere with his sending the depositions, as hereafter mentioned. (Paragraph 136.)

To what  
place the  
offender is  
to be sent.  
S. 268.

129. In deciding to what place the offenders shall be sent for trial, the Consul will be guided by circumstances. In general cases he will send them to Great Britain; but if there is any British court of justice capable of trying the offence to which the offender and witnesses can be sent more cheaply, speedily, and conveniently, he will send them to the British possession in which such Court is situate.

In what  
ships they  
are to be  
sent.  
S. 268.

130. If there is any Queen's ship, the officer in command of which is willing to receive the persons to be sent for trial, the Consul will avail himself of the opportunity. If not, he will send them in the first British merchant ship which can take them, but he must not send more than one prisoner for every 100 tons, or more than one witness for every 50 tons of the ship's burthen.

He will point out to the master of the ship in which they are sent that he is bound, under a penalty of 50/., to afford a passage and subsistence to every offender and witness so sent; and upon the ship's arrival at the place to which they are sent, to give the offenders in charge into the custody of some police officer or constable, so that they may be taken before a magistrate, to be dealt with according to the Act. He will also point out to the Master how he is to be reimbursed. (See paragraph 131.)

Offenders  
and wit-  
nesses to be  
kept in the  
meantime.

131. The Consul will take such means as may be in his power for detaining the offender until he can be so sent as aforesaid, and will, if necessary, maintain the witnesses until they can be sent; and he will also in matters of account, and in every other respect relating to offenders and witnesses

so sent home, as far as the foregoing instructions and other circumstances permit, follow the same rules which are laid down for his guidance in the case of distressed seamen relieved and sent home by him.

132. In certain cases depositions taken before Consuls are made receivable as evidence in British Courts of Justice, but in order that they should have any effect it is essential that all the requirements of the Act should be strictly complied with, and that the utmost possible care should be taken for that purpose; and in receiving and forwarding the depositions with this object, the Consul should attend particularly to the following rules.

Deposition  
before Con-  
sul.  
S. 270.

133. The depositions should always be taken down in writing at the time they are made, and when the examination of the witness is concluded, should be read over and signed by him, and should be authenticated by the signature of the Consul. The deposition should be headed by a statement in writing, under the hand of the Consul, of the name and description of the deponent, and of the matter in which it is taken, including in criminal cases the name and description of the accused, and the charge made against him. The Consul should also state distinctly in writing that the deposition is made before him, and in criminal cases that it is made in the presence of the accused.

Depositions,  
how to be  
taken.  
S. 270.

134. When witnesses make a deposition, or give evidence in any other language than English, it should be through a competent interpreter, sworn to interpret truly, and the name of the interpreter and the fact that he was so sworn should be stated on the deposition, and certified by the Consul. The examination should take place through the interpreter after he is sworn, and should be taken down by the Consul in English, and signed by the interpreter.

If made in  
foreign lan-  
guage.

135. Where the case involves a charge against any person the examination should always take place in the presence of the accused. Each witness's evidence, when completed, should be distinctly read and explained to the accused in his own language, and he should be told by the Consul that he may put any questions he thinks proper to the witness, and that the substance of the questions and the answers will form part of the evidence. If he puts any questions the questions and answers should be taken down in English, and form part of the examination. This also, when necessary, should be done through a sworn interpreter.

Facilities for  
cross-exami-  
nation, &c.,  
to be given  
to accused  
parties.  
S. 270, 262.

136. The original depositions, and not copies, must in all cases be sent, and they must be sent at as early a period as

Originals to  
be sent.  
S. 270.

possible. If the trial is to be in the United Kingdom, they must be sent to the Board of Trade, with a letter stating the substance of the case. If elsewhere, the depositions will be sent accordingly.

#### WRECK AND SALVAGE.

##### *Wrecks and Casualties.*

Notice of  
wrecks,  
losses, &c.

137. There is no enactment or law expressly requiring Masters of British ships which have suffered wreck or damage to report to the Consul, but they will almost invariably do so for the purpose of making a protest, if not for the purpose of claiming assistance; and even if they should not, the Consul will scarcely fail to be informed of the occurrence.

Consuls to  
give assist-  
ance.

138. Whenever any British ship is wrecked, lost, or abandoned within the limits of the Consulate, it will be the Consul's duty to give every assistance in his power towards saving the lives of those on board, and preserving the property for the owners. The particular steps to be taken for this purpose will depend on the circumstances of each case, and on the powers which he may possess under treaties, or under the laws of the country in which he is acting. He will endeavour to obtain the assistance of the local authorities if necessary, and he will also endeavour to have that assistance rendered in such a shape and to such an extent, and to such an extent only, as may be for the interest of the owners or insurers.

Interference  
authorized  
by treaty.

139. In countries where the British Consul is authorized by treaty to interfere in matters of wreck, and to claim wrecked property he will, so far as the treaty permits, require the local authorities to allow him to act accordingly, and to prevent the interference of improper and unauthorized persons. He will also demand the restitution of property saved, subject to salvage and other proper expenses. If any difficulty is thrown in his way, contrary to the spirit of the treaty, he will represent the case to the British Minister, or to Her Majesty's Secretary of State.

Consul not  
to interfere  
with masters  
or agents.

140. If in cases of wreck or casualty the Master, or any other competent officer of the ship, is present, the Consul will not, unless there is reason to suspect foul play, interfere with any steps they may take for saving the ship or cargo, but will give such assistance as may be in his power. In like manner, if any other authorized agent of the owners is present, he will permit him to take the necessary steps, merely giving his assistance. The Consul will, however, on the one

hand, consider himself bound to do whatever may be necessary with the local authorities, and will, on the other, require the Master or agent to pay any expenses which he (the Consul) has properly incurred.

141. He will give all necessary assistance to the persons on board the wrecked vessel. In cases of death he will endeavour to ascertain their identity, will see that they are buried, and will report their names and descriptions to the Board of Trade. The Consul's further duties in respect of the crews of shipwrecked vessels are mentioned in paragraphs 68 and 142.

Assistance  
to persons  
on board  
wrecked  
vessel.

142. The Consul will give his best assistance in settling the claims of salvors. The crew of the ship are not entitled, according to British law, to make any claim as salvors. The claims of other salvors at the place will be determined according to the law of the place.

Salvage ex-  
penses.

143. The Consul will notice that where the salvor, whether a person employed in Her Majesty's service or not, and the master of the ship saved, can agree between themselves for the purpose, they may enter into an agreement, which will have the same effect as the bond mentioned below, to be used in cases of salvage by Her Majesty's Ships, paragraph 158. This agreement need not be entered into before the Consul, and he need not, necessarily, have anything to do with it; but it is desirable that he should be aware of the effect of such agreement, and should be able to point out to parties interested a mode of settling disputes, which may often prevent unnecessary detention and annoyance.

Voluntary  
agreement  
for salvage.  
S. 497.

144. If parts of the ship or goods are washed on shore or otherwise found out of the custody of the master or crew, the Consul will, so far as he is able, claim and keep the goods for the owners or insurers or their agents; he will communicate with Lloyd's Agent, and will do his utmost to co-operate and act in harmony with him; he will give to the owners notice of the wreck and of the goods in his possession, and will deliver or deal with them subject to the payment of proper fees and expenses, as the lawful claimants may direct.

Consul to  
claim and  
preserve  
goods.

145. The Consul's duties with respect to wrecked goods, apply not only to vessels stranded within the bounds of the Consulate and their cargoes, but also to any portion of such ship or cargo which may be brought into the Consulate in consequence of any wreck or disaster at sea.

Goods lost  
or damaged  
at sea.

146. If any papers, such as charter parties, bills of lading,

Papers  
saved.

ship's articles, etc., are found, the Consul will collect them, and after marking them and keeping a note of them, will restore them to the owners. For this purpose the Consul may send them either to the Board of Trade or otherwise, as he thinks best.

Communica-  
tion to inte-  
rested par-  
ties.

147. The Consul will, at the earliest opportunity, communicate any particulars relating to the wreck or damage of British Ships and their cargoes to the persons interested. This may be done either directly or through the Board of Trade, if the parties reside in this country, or in any other way the Consul may think best.

Sale of  
wrecked  
articles.

148. In cases in which wrecked property comes into the possession of the Consul, and neither the Owner nor the Master nor any authorized agent can be found or communicated with, the Consul may, if the case requires it, sell the property, or such part of it as is perishable or not worth the expense of warehousing for the benefit of those interested; but in such cases, neither the Consul nor those employed by him must be interested to any extent, directly or indirectly, in the purchase of the articles. If the lawful claimants cannot be found, and the property is not claimed by the Local Authorities, he will, after the expiration of a reasonable time sell the property, and remit the proceeds to the Board of Trade, to be dealt with as Droits of Admiralty.

Admission  
of wrecked  
goods for  
consump-  
tion.

149. The Consul will interpose his good offices with the Local Authorities to obtain the reduction or remission of duties on goods, which on account of shipwreck or jettison, it is necessary to sell in the country. In this he will be guided by the treaties, and will bear in mind that the principle adopted in this country, and which Her Majesty's Government would wish to see universally adopted, is that such goods should be admitted for consumption in the country where the wreck takes place, to the same extent and on the same terms as if they had been imported in a ship of that country.

General ave-  
rage.

150. When cases of general average occasioned by jettison are brought before the Consul, he will take all the means in his power to ascertain if the jettison was necessary, and the loss thereby occasioned real; and if he has any reason to suppose that any fraud or improper act has been committed by the Captain or crew to the injury of the Owners, or Insurers of the ship or cargo, he will take steps to inform them, and to enable them to procure the requisite evidence.

He will also report the case to the Board of Trade, sending the depositions or other evidence in manner mentioned in paragraph 136.

151. Fees to be charged by the Consul for services in respect of wreck or damage are those mentioned in paragraph 173, and table (C. 29, part 2) in the Appendix: no other charge is to be made except for expenses actually incurred. Fees and expenses. Form (C. 29) in Appendix.

152. The Consul's duties with regard to the Certificate of Registry of a British ship which is lost, are mentioned above (paragraph 13). Certificate of Registry.

153. The Consul's duties in respect of summoning a Naval Court to inquire into the circumstances attending a wreck are mentioned above (paragraph 111). Summoning a Naval Court.

154. In addition to the above, the Consul will in every case, when it comes to his knowledge that any British ship has been wrecked, lost, or seriously damaged, and where he does not think it necessary to summon a Naval Court, or has not the power of so doing, report the circumstances to the Board of Trade, stating what, in his opinion, was the cause of the casualty, with any other matters he may think important. He will be especially careful to report any circumstances showing fraud, negligence, or misconduct on the part of the Master or Officers. Upon every wreck, &c., report to be made to Board of Trade.

#### *Salvage by Her Majesty's Ships.*

155. In order to prevent needless detention of the ships or property saved, and at the same time to ensure due satisfaction of the claims of the Salvors, provision is made for releasing the lien of the Salvors upon due security being given, of which the Consul will in certain cases have to judge. The practice will be as follows: General object of the enactments.

156. If any of Her Majesty's ships, or any of the crews of such ships, render salvage service to a merchant ship at any place out of the United Kingdom and the four seas adjoining thereto, then, unless the parties can agree between themselves in manner mentioned above (see paragraph 143), the salvor must, instead of retaining possession until the claim is settled, take the ship to some foreign port, where there is a Consul, or to some British port where there is a Vice-Admiralty Judge. In so doing the salvor will, so far as his primary duty to the Queen's service permits, be guided by the convenience of the ship saved. Salvors to take ship to port where there is a Consul. S. 486.

Salvor and master to furnish Consul with statement. S. 486.

157. Within twenty-four hours after the ship's arrival the salvor and the master of the saved ship must each deliver to the Consul a statement verified on oath. The salvor's statement must contain the following particulars :

(a). The place, condition, and circumstances in which the saved ship, cargo, or property, was at the time when the services were rendered for which salvage is claimed :

(b). The nature and duration of the services rendered :

(c). The proportion of the value of the said ship, cargo, and property, and of the freight which he claims for salvage, or the values at which he estimates the said ship, freight, cargo, and property respectively, and the several amounts that he claims for salvage in respect of the same :

(d). Any other circumstances he thinks relevant to the claim.

The master's statement must contain the following particulars, viz. :—

(a). The place, condition, and circumstances in which the said ship, cargo, or property was at the time when the services were rendered for which salvage is claimed :

(b). The nature and duration of the services rendered :

(c). A copy of the certificate of registry of the said ship, and of the indorsements thereon, stating any change which (to the master's knowledge or belief) has occurred in the particulars contained in such certificate ; and stating also, to the best of his knowledge and belief, the state of the title to the ship for the time being, and of the incumbrances and certificates of mortgage or sale, if any, affecting the same, and the names and places of business of the owners and incumbrancers :

(d). The name and place of business or residence of the freighter, if any, of the ship, and the freight to be paid for the voyage she is then on :

(e). A general account of the quantity and nature of the cargo at the time the salvage services were rendered :

(f). The name and place of business or residence of the owner of such cargo, and the consignee thereof :

(g). The values at which the master estimates the ship, cargo, and property, and the freight respectively, or, if he thinks fit, in lieu of such estimated value of the cargo, a copy of the ship's manifest :

(h). The amounts which the master thinks should be paid as salvage for the services rendered :



(i). An accurate list of the property saved, in cases where the ship is not saved :

(k). An account of the proceeds of the sale of the ship, cargo, or property, in cases where the same or any of them are sold at the port :

(l). The number, capacities, and condition of the crew of the ship at the time the services were rendered :

(m). Any other circumstances he thinks relevant to the matters in question :

(n). A statement of his willingness to execute a bond in the form in the table marked W. in the schedule of the Act, in such amount as the Consul may fix.

If the parties are unable to give all the above particulars, the reason for omitting any of them should be stated.

158. Upon receiving these statements the Consul will carefully consider them, and proceed to fix what he considers an adequate sum to compensate the salvors for the services rendered, and to cover any additional claim for costs. In doing this he will remember that the claim will have to be decided by the Court, and that in the case of a British ship the only security required is a bond by the master. In that case, therefore, he will fix a sum which will cover the claim actually made by the salvor, with an additional sum of 150*l.* for costs. In the case of a foreign ship, where sureties are required, it is important that the amount secured is not excessive, and the Consul will therefore, in that case, have to exercise greater discretion.

Consul to fix  
amount of  
bond.  
S. 487.

If he requires additional information, he may examine the parties or witnesses upon oath or affirmation. In such case the evidence is to be taken in writing, and to be attached to or accompany the statements. If either party fails to make his statement, the Consul may proceed *ex parte*, but he should not, except in a pressing case, do so without giving notice ; and if the ship or property saved is to be sold, he should allow a reasonable time for the purpose of giving the particulars of the sale : he has no power in any case to require the cargo to be unladen. In fixing the amount for which security is to be given, in the case of a foreign ship, he will approximate as nearly as he can to what he considers sufficient compensation for the services rendered ; and he will be guided, so far as he has the means and knowledge, by the rules which ordinarily guide Admiralty Courts in such cases,

and he will add 150% or thereabouts, to cover costs. He will also remember, on the one hand, that the bond being substituted for the property by way of security for the claim, the amount should be large enough to cover it; on the other hand, he will bear in mind that no claim can ever be made in respect of any loss or risk to the Queen's ship or her stores, and that it must in no case exceed one half of what he considers to be the true value of the property saved.

S. 484.  
S. 487.

Consul to  
cause bond  
to be pre-  
pared.  
S. 488.  
S. 492.

159. When the Consul has determined the amount, he will give notice to the parties, and will cause a bond to be prepared in the form marked W. in the schedule to the Act, and will see that it is properly filled up with the particulars as given to him, and with the sum which he has determined. If the parties wish that the case should be adjudicated on in any Vice-Admiralty Court in the British dominions, the name of the Court and the place for which it acts is to be inserted in the bond. If not, the High Court of Admiralty in England will be the Court to adjudicate upon it. This bond must be executed by the master in the presence of the Consul, and must be attested by him. The Consul will then deliver it to the Salvor, and thereupon the lien of the Salvor on the property will cease, and his remedy will be upon the bond.

Additional  
security if  
ship is owned  
by foreign-  
ers.  
S. 489.  
Form (C. 29)  
in Appendix.

160. If, however, the ship or property saved is owned by persons who reside in any foreign country, such additional security must be given as the Consul may approve. For this purpose it will be his duty to see that the persons giving the security are solvent persons, and that the security is one which is capable of being enforced in a British court of justice. This security may be in the form (C. 28) in the Appendix, or to a like effect. This bond, when executed and attested, must be given to the Consul, or, if the Salvor so desires, must be placed in the joint possession of the Consul, and any other person whom the Salvor appoints for the purpose, to be afterwards dealt with as the Court which shall adjudicate upon it may direct.

Consul to  
transmit  
statements,  
&c., to Court  
of Admi-  
ralty.  
S. 490.

161. The Consul will, by the first post, transmit the original statements and documents relating to the matter, together with a copy of the bond, certified by him to be a true copy, to the Registrar of the High Court of Admiralty in England; or if it is to be adjudicated upon in any Vice-Admiralty Court, to the Judge of such Court.

## CORRESPONDENCE.

162. In all cases where the Consul is by these instructions required to transmit documents or reports to the Board of Trade, he will observe the same rules which are laid down for his guidance as to correspondence with the Department of Her Majesty's Secretary of State for Foreign Affairs in the memorandum forming Enclosure No. 25 of the general instructions, with the following exceptions :

Communications from the Board of Trade on ordinary matters of account and other matters of routine, if requiring no answer, need not be specially acknowledged.

Communications to the Board of Trade on matters to which the foregoing instructions relate, and also communications containing intelligence concerning the British Mercantile Marine which are intended for communication to Lloyd's Committee or other interested parties, are to be addressed to the Secretary of the Board of Trade, Marine Department. They are, however, to be sent under flying seal to the Secretary of State for Foreign Affairs, to whom the Consul will, in his covering despatch, report succinctly the nature and subject of the communication.

The correspondence with the Board of Trade is to be treated as forming a distinct series, and is to be numbered with a distinct set of numbers accordingly.

## ACCOUNTS.

163. The Consul's accounts under the foregoing instructions are to be kept in the currency of the place, and at the end of each quarter all the payments made are to be brought into a general account current, in the form in the Appendix marked (C. 26), and converted into sterling, as shewn on the form ; a commission of  $2\frac{1}{2}$  per cent. on the amount of disbursements is to be added as a remuneration for the Consul's trouble, but no other commission. See paragraph 173, and Appendix (C. 29, part 1).

164. The Consul is to make up and transmit his accounts to the Board of Trade quarterly, to the end of March, June, September, and December respectively. The first account which the Consul will have to render to the Board of Trade will be for the quarter ending 30th June, 1855.

It is most important that the quarterly account should be transmitted immediately after the termination of the quarter.

To facilitate this, the Vice-Consul's accounts, which are required to be incorporated in the account to be transmitted by the Consul, may be made up to the 15th of the month in which the quarter ends (or if necessary, even earlier), so that the Consul's account may not be delayed.

Forms to be adhered to.

165. A strict adherence to the forms of the accounts referred to in these instructions is required; and no departure can be allowed, except in case of necessity, and then the circumstances are to be fully stated. To insure this, printed forms will be supplied where the expense of carriage will permit, and in these cases the Consul will apply to the Board of Trade in time when his stock wants renewing. In other cases the Consul will either have the forms printed on the spot, or use written forms, as he finds most economical.

Vouchers to be translated,

166. If any vouchers should be unavoidably taken in a foreign language, translations thereof are to be sent with the original documents.

and to be numbered.

167. The vouchers are to be numbered progressively, and corresponding numbers are to be given in the respective charges in the account.

Steps when vouchers cannot be procured.

168. If it should be impracticable, under particular circumstances, to obtain the vouchers required by the foregoing instructions, a declaration is to be made to that effect; and after specifying as fully as possible the nature of the payments, it is to be stated in the declaration that they were *bonâ fide* made for the public service, without any profit or advantage to the Consul, except the commission hereinbefore mentioned.

Vice-Consul's disbursements.

169. When disbursements are made by Vice-Consuls, they are to be charged in the Consul's accounts in the same manner as if made by himself; but the receipt of the Vice-Consul for such disbursements, in addition to the vouchers for the payment, must accompany the account.

Postage.  
Form (C. 24)  
in Appendix.

170. The Consul may charge in his account the actual expense for postage of letters on account of business specially connected with this department, upon the form marked (C. 24) in the Appendix.

Bill to be drawn for balance due to Consul.

171. The Consul is to draw a bill upon the accountant to the Board of Trade on the last day of the quarter, or as soon after as he can close his account, for the balance in sterling

Form (C. 28)  
in Appendix.

at three days' sight, see Form (C. 27) in Appendix, transmitting to that office a letter of advice; and it is most important that the account and vouchers should, if possible,

be sent at the same time. If the account and vouchers are regular, the bill will be paid, and the amount allowed at once ; but if they are not, the amount will be charged as an imprest against the Consul until sufficient vouchers or a satisfactory explanation are received.

172. If the sums received by the Consul during the quarter, on account of the Board of Trade, exceed the amount of his disbursements, he is to remit the balance to Her Majesty's Paymaster-General, to be placed to the credit of the account for the relief of distressed British seamen; the advice of such remittance to be sent with his accounts to the Board of Trade. If no expenses have been incurred, and the receipts have been wholly for wages and effects of deceased seamen, the remittance is to be made to Her Majesty's Paymaster-General, to be placed to the credit of the account of "Wages and Effects of deceased Seamen," and an account with the Forms (C. 15), is to be transmitted to the Board of Trade.

Balance due  
from Consul  
to be remit-  
ted.

#### FEES AND REMUNERATION.

173. In the Appendix will be found a copy of an Order in Council, dated First day of May, 1855, including a Table of the fees and commission which, by virtue of the Act 6 Geo. 4, c. 87, and of the Order in question, the Consul is entitled to charge for the various operations mentioned in the Act, and in the above instructions, as well as for other matters. See Table (C. 29) in Appendix.

Table of fees.  
Form (C. 29)  
in Appendix.

No other fees or remuneration are to be received by the Consul, except as above, for any signature or other matter done by him in pursuance of these instructions.

174. In order to prevent any misconception with reference to the Consular services for which fees are payable, it is to be observed that matters mentioned in the second part of the table of fees, so far as they relate to shipping, are matters which a British shipmaster may call upon a Consul to perform, and have for their object the protection and benefit of the British shipping interest, but are not to be looked upon merely as indirect means for increasing the Consul's emoluments. It is, therefore, for the master of the ship alone to judge whether it is expedient to procure from the Consul any of the documents mentioned in the second part of the table, the furnishing of which will authorise the Consul to levy a specified fee.

Consuls not  
to press cer-  
tain offices  
on Ship-  
masters ;

175. But although a Consul has no right to require a

but to warn  
them of con-

sequences of neglect. shipmaster to provide himself with Consular papers, it is proper that a Consul should make shipmasters aware of any inconvenient consequences which are likely to result to them from a neglect of any laws of this country, or of any regulations of foreign States bearing upon matters in which such shipmasters may be concerned. It must, however, of course, rest with the shipmaster to act in such cases as he may think proper.

Return of fees to be made to Secretary of State.

176. At the expiration of each year, the Consul will submit to Her Majesty's principal Secretary of State for Foreign Affairs a certified statement (according to the form appended hereto) of the gross amount of all fees and remuneration received at his Consulate within the year under the tables before-mentioned, stating the amount in local currency as well as in pounds sterling, calculated at the average rate of exchange for the year, which exchange must also be stated.

Form (C. 30) in Appendix.

These accounts must be given in the form marked (C. 30) in the Appendix.

No extra charge to be made in respect of matters incident to official duties.

177. In all cases in which any duties are required from British Consuls by these instructions he will perform those duties fully and completely, without making any charges other than those authorised as above mentioned, and he will be careful not to make any work which is incident to those duties a ground for making additional charges as a merchant or in any other capacity.

#### MISCELLANEOUS.

Passenger ships.

178. The present instructions do not embrace the points specially provided for in those Acts which relate to the carriage of passengers. But it will generally happen that where passengers have reason to complain, the Consul will have the means of interfering in some one or other of the ways pointed out above. If not, he will act according to the best of his power in the matter, and will, if necessary, report the case to the Board of Trade. In dealing with the cases in which passengers are concerned, he will have regard to the provisions of the Acts specially relating to passengers, and also to the fourth part of the Merchant Shipping Act, 1854.

Detention of ships by foreign authorities.

179. In cases of ships being detained or arrested by any Foreign authority, the Consul will employ all suitable means for obtaining their release and indemnity if the case requires it ; and in the meanwhile, whatever is in his power to insure safety and order on board. He will inform the British

Minister in the country and Her Majesty's Secretary of State of the occurrence.

180. The law does not permit a Master, without special authority from the Owner, to sell his ship, except in cases of the most urgent necessity. In such cases, the Master, to secure himself, should procure from the Consul a verification of the facts.

Power of  
master to  
sell a ship.

181. The Consul will forward to the Board of Trade full notices of all new Lights, Beacons, or Buoys, and of all alterations in existing Lights, Beacons, or Buoys; and of all Rocks, Shoals, and other impediments to Navigation discovered in or near the limits of his Consulate, or in or on the neighbouring Seas or Coasts, or other matters affecting Navigation. In so doing, the greatest accuracy is necessary. Where Official Notices of such matters are published in a Foreign language, a copy, or copies of the original should be sent, accompanied by an exact and close translation. Particular attention should be paid to the spelling and writing of proper names, and all numbers should not only be expressed in figures, but also written in words—*e.g.* “45° (*forty-five degrees*).”

Notices of  
lights and  
other mat-  
ters affecting  
navigation.

182. If the Consul learns that any Master has lost or endangered his ship, or the lives of the passengers or crew, by incompetency or misconduct, or has been guilty of fraudulent practices towards his Owners or Employers, or towards Insurers, or has been guilty of gross tyranny towards any of his passengers or crew, or has otherwise grossly misconducted himself, or shown himself incompetent to command a ship, and it is not possible or expedient to settle the matter on the spot by the intervention of a Naval Court, or otherwise to deal with it under special directions contained in these Instructions, the Consul will report the case to the Board of Trade, giving such information as may facilitate the tracing of witnesses, and the prosecution of an inquiry on the return of the Master to this country.

Misconduct  
of masters to  
be reported.

183. The Consul will do his utmost to ascertain all particulars concerning Piracies committed on the seas near his Consulate, and will communicate with Masters of British Ships so as to enable them to avoid danger, and with any of Her Majesty's Cruisers on the station, so as to enable them to seek for and capture the pirates. He will also report all such cases to Her Majesty's Secretary of State.

Piracies to  
be reported.

184. In all cases in which the Consul makes any report

Numbers of  
ships and

certificates of  
masters and  
mates to be  
stated.

concerning a British ship, he will mention the name of the Port of Registry and the official number; and in all cases in which he makes any report concerning a Master or Mate, he will state the number of his certificate, stating whether it is a Certificate of Competency or of Service.

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## APPENDIX TO CONSULS' INSTRUCTIONS.

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C. 1.—See paragraph 2.

### FORMER INSTRUCTIONS REPEALED.

Paragraph 17, of the General Instructions to Consuls.  
 Paragraph 18, „ ditto.  
 Paragraph 21, „ ditto.  
 Paragraph 22, „ ditto, so far as the same relates to seamen.  
 Paragraph 34, „ ditto, so far as relates to seamen.  
 Inclosure No. 1 B, of the General Instructions.  
 Inclosure No. 11, of the General Instructions.  
 Inclosure No. 12, of ditto.  
 Inclosure No. 13, of ditto, being the Order in Council of 16th July, 1827.  
 Inclosure No. 14, of the General Instructions.  
 Inclosure No. 15, „ ditto.  
 Inclosure No. 16, of ditto.  
 Part of Inclosure No. 17, of ditto, being Section 82, of 11 Geo. 4, c. 20.  
 Instructions issued by Admiralty concerning distressed British seamen,  
 dated 1852.  
 Inclosure No. 27, of the General Instructions.  
 Circular from the Foreign Office, dated the 4th September, 1851.  
 Ditto, dated 24th June, 1852.  
 Ditto, dated 13th September, 1852.  
 Ditto, dated 1st March, 1853.  
 Ditto, dated 30th September, 1853.

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C. 2.—See paragraph 22.

PROVISIONAL CERTIFICATE OF REGISTRY granted by BRITISH Consular Officer upon a Ship becoming the property of persons qualified to be OWNERS of British Ships at any FOREIGN PORT.

Name of Ship.	British or Foreign Built.	When Built.	How Propelled.
<i>Anna.</i>	<i>Foreign built, at New York.</i>	<i>6th December, 1856.</i>	<i>By Steam, Screw.</i>
Number of Decks .	<i>One.</i>	Build .	<i>Clincher.</i>
Number of Masts .	<i>Three.</i>	Gallery .	<i>None.</i>
Rigging .	<i>Schooner.</i>	Head .	<i>Male Bust.</i>
Stern .	<i>Round.</i>	Framework	<i>Iron.</i>
<i>Measurements.</i>			Feet.      Tenths.
Length from the Forepart of Stem under the Bowsprit to the Aftside of the Head of the Sternpost .			165      5
Main Breadth to Outside of Plank .			26      9
Depth in Hold from Tonnage Deck to Ceiling at Midships			14      9
<i>Tonnage.</i>			No. of Tons.
Tonnage under Tonnage Deck .			530      9
Closed in Spaces above the Tonnage Deck, if any; viz.			
Space or Spaces between Decks .			<i>None.</i>
Poop .			40      0
Roundhouse .			<i>None.</i>
Other inclosed Spaces, if any, naming them .			<i>None.</i>
Total .			570      9
<i>(*) Additional Particulars for Steamers.</i>			Tons.
Deduction for Space required for Propelling Power (as measured) .			92      2
Length of Engine Room (if measured) .			Feet.      Tenths. 25      1
Engines .			Number of Engines. <i>Two.</i>
Combined Power (estimated Horse-power) .			No. of Horses-power. <i>Seventy.</i>
Register Tonnage, (after making Deduction for Space for Propelling Power in Steamers) (*) }			478      5

(\*) Omit this part if she has no Steam Power.

C. 2.—*continued.*

I, the undersigned A.B., H. B. M. Consul at the Port of  
hereby certify, that,

(1.) The Ship, the description of which is prefixed to this my Provisional Certificate, has been duly surveyed, and that the above description is true. [*If the Ship has not been surveyed for the purpose, the Consul must insert the description as fully and accurately as he can, stating how he has procured it.*]

(2.) That *John Smith, of London*, is the Master of the said ship.

(3.) That the said Ship was built at *New York*, on the *6th* day of *December*, 1856, and her foreign name is "*Anna*" [*these words to be added if the Ship is foreign*].

(4.) That the person whose name is hereunder written has purchased all the shares in the above Ship.

(Signed) \_\_\_\_\_

Name of the Owner.	Number of Sixty-fourth Shares held by each Owner.
<i>William Thompson, of Rotherhithe, Ship Chandler.</i>	<i>Sixty four.</i>

(L.S.) (Signed) \_\_\_\_\_ *H. B. M. Consul.*

Dated at *New York*,

the *First* day of *January*, 1857.

*Note.*—This PROVISIONAL CERTIFICATE OF REGISTRY continues in force only until the *First* day of *July*, 1857, or until she completes her voyage from *New York*, to some port at which there is a British Registrar, whichever first happens.

## C. 3.—See paragraph 27.

## ENTRY OF DISCHARGE OF MORTGAGE ON CERTIFICATE OF MORTGAGE.

I hereby attest, That the mortgage indorsed on this Certificate, dated the \_\_\_\_\_ day of \_\_\_\_\_, for securing to [*name of mortgagee*] the sum of £ [or otherwise, as the case may be] has been this day produced to me, and that there is indorsed upon it a receipt for the money secured by the said mortgage, signed by the above-named [*the mortgagee, or some duly authorized agent of the mortgagee*], and attested by [*name and address of witness*], and dated the day of \_\_\_\_\_.

(L.S.) (Signed) \_\_\_\_\_, *H.B.M. Consul.*

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_.



C. 7.—See paragraph 43.

#### SANCTION OF ENGAGEMENT OF SEAMEN.

I hereby certify, That I have sanctioned the engagement of *A.B., C.D., etc.* [*names of seamen engaged*] upon the terms mentioned in the within-written agreement, that I have ascertained and am satisfied that the said *A.B., C.D., etc.*, fully understand the said agreement, and that they have signed the same in my presence.

(Signed) \_\_\_\_\_ *H. B. M. Consul.*

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_.

C. 8.—See paragraph 44.

#### ATTESTATION OF ALTERATION OF AGREEMENT.

I hereby attest, That the erasure, interlineation, or alteration [*as the case may be*] to the effect [*here specify the effect of the alteration*] contained in lines \_\_\_\_\_ and \_\_\_\_\_ of the within-written agreement has this \_\_\_\_\_ day of \_\_\_\_\_ been consented to in my presence by all the [*or if the alteration affects only some of the parties, name them*] parties to the said agreement.

(Signed) \_\_\_\_\_, *H.B.M. Consul.*

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_.

C. 9.—See paragraphs 53, 64.

CERTIFICATE TO BE INDORSED ON AGREEMENT IN CASE OF  
DISCHARGE.

I certify, That the within-named *A. B.* has been discharged and left behind at the port of \_\_\_\_\_, on the alleged ground of [*here state fully and specifically the grounds of his being so discharged and left behind*]; and that I have inquired into the matter, and find that [*here state, as the case may be, either that the allegation is true and the grounds sufficient or not*], and that I have accordingly granted [*or refused*] my sanction to his being so left; and that £ \_\_\_\_\_, being wages due to him up to the day of \_\_\_\_\_, have been duly paid to him [*or me, as the case may be*] in cash [*or by bill on Messrs. \_\_\_\_\_, as the case may be*]; and that his effects, consisting of [*here state what effects*] have been delivered to [*him or me, as the case may be*]; and that provision has been made for maintaining him and sending him back to \_\_\_\_\_. [*Here state the money advanced, or other steps, if any, taken by the master for purpose.*]

(Signed) \_\_\_\_\_ *H. B. M. Consul.*

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

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C. 10.—See paragraph 102.

CERTIFICATE TO BE INDORSED ON AGREEMENT IN CASES OF  
DESERTION.

I hereby certify, That the within-named *A.B., C.D., etc.*, have been left behind at this port on the alleged ground of their having deserted, and that I have inquired into the matter, and find that [*here state, as the case may be, either that the allegation is true or not*], and that a proper entry of such desertion in the official log book has been produced to me.

(Signed) \_\_\_\_\_ *H. B. M. Consul.*

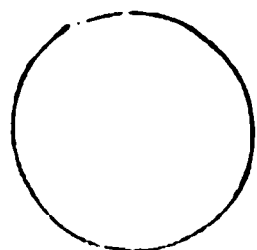
Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

o

C. 11.—See paragraph 55.

## (E.) CERTIFICATE OF DISCHARGE.

For Seamen not discharged before a Shipping Master.



SANCTIONED  
BY THE  
BOARD OF TRADE,  
In pursuance of the  
Merchant Shipping  
Act, 1854.

Name and Official Num- ber of Ship.	Port of Registry.	Tonnage.	Description of Voyage or Employment.

Name of Seaman.	Place of Birth.	Date of Birth.

Number of Fund Ticket (if any).	Capacity.	Date of Entry.	Date of Discharge.	Place of Discharge.

I certify, That the above particulars are correct, and that the above-named Seaman was discharged accordingly.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

(Countersigned) \_\_\_\_\_ Seaman. (Signed) \_\_\_\_\_ Master.

Given to the above-named seaman in my presence, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

\_\_\_\_\_ H. B. M. Consul.

NOTE.—If the Seaman discharged was possessed of a Certificate of Competency or Service, and it is held by the Master, the Consul will see that it is returned to him. (See Instructions, p. 55).

C. 12.—See paragraphs 59 and 61.

ACCOUNT OF WAGES AND EFFECTS OF A SEAMAN left behind at a Foreign Port, on the ground of Inability to proceed on the voyage from Sickness or other causes.

Name and Official Number of Ship.	Port of Registry.	Name of Master.	Description of Voyage.

Name of Seaman, with No. of his Certificate of Competency or of Service, and Fund Ticket (if any).	Date of Engagement.	Date of Discharge.	Rate of Wages.	Port where Discharged.

CREDITOR.	Amount.	DEBTOR.	Amount.
	£ s. d.		£ s. d.
Wages at £ per Month .		Advance .	
Deduction .		Allotment .	
Balance due .		Total Deductions .	

LIST OF EFFECTS.

--	--	--

I declare the above account to be just and true.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_.  
(Signed) \_\_\_\_\_ Master.

I hereby certify, That the above seaman was left at this port with my sanction, on the ground of \_\_\_\_\_ and that I have examined the above account, and compared it with the agreement and the official log book, and found it to be correct, and that the balance of wages, say £ \_\_\_\_\_, has been paid to me by the master by \_\_\_\_\_ and the effects have been delivered to \* \_\_\_\_\_  
(Signed) \_\_\_\_\_ H. B. M. Consul.  
Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_.

Note.—This account is to be delivered by the master to the Consul in duplicate. One copy, signed by the Consul, is to be returned to the master, who, on the arrival of the ship at its port of destination in the United Kingdom, is required to deliver the same to the Shipping Master, and the other to be retained by the Consul, to be transmitted with his accounts to the Board of Trade, if any expenses have been incurred on the seaman's account.

C. 13.—See paragraph 61.

Account of WAGES received and EXPENSES paid by Her Majesty's Consul at the Port of \_\_\_\_\_, for a SEAMAN who has recovered, showing the Balance, if any, which has been paid to him on his leaving the Port or getting Employment.

No. in Consul's Register Book.	Name of Seaman.	Name and Official Number of Ship from which landed, and Port of Registry.	Date when taken Charge of by Consul.	Date when discharged out of the Care of the Consul.

RECEIPTS.		Sterling.		
		£	s.	d.
For amount of wages* received ( <i>state whether in Cash or by Bill</i> ) from the master and credited in account current with the Board of Trade for the Quarter ending _____, 18__.				
DISBURSEMENTS.	Currency.			
For amount paid for subsistence, and charged in account current with the Board of Trade in the Quarter ending _____, 18__.				
Ditto for the Quarter ending _____, 18__.				
Signature of Consul _____				
Balance due to Seaman . . . £				

Received this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_, the above balance.

Signature of Seaman \_\_\_\_\_.

Witness \_\_\_\_\_ . †

\* If the wages have not been received by the Consul in cash, but by a bill upon the owners, the seaman is not to be paid the balance, but is to be referred to the Board of Trade for a settlement.

† N.R.—The payment to be made by the Consul in the presence of a witness, who is to sign his name here.

This account is to be made out in duplicate, one copy to be delivered to the seaman, and the other, being the one on which is the seaman's receipt, is to be transmitted by the Consul with his accounts to the Board of Trade.



C. 14.—See paragraphs 96 and 97.

ACCOUNT OF RECEIPTS AND DISBURSEMENTS FOR A SEAMAN who has died while under the charge of Her Majesty's Consul at the Port of \_\_\_\_\_ in the Quarter ending \_\_\_\_\_, 18\_\_.

Name of Seaman.	Age.	From what Ship.	Date when taken charge of by Consul.	Date of Death.	Cause of Death.	No. in Register Book of Consul.

Married or Single.	If Married, the Name and Residence of his Wife.	If any Children, their Names and Ages.	Name and Residence of Father and Mother, or of the nearest Relation.	If any Will has been made, the Name and Address of Executor.

RECEIPTS.		Currency.	Sterling.		
			£	s.	d.
Amount due to the deceased for wages received from the master of the vessel, as credited in the account sent to the Board of Trade, _____, 18__					
Money found in possession of the deceased					
Proceeds of the sale of clothes and effects, as per account and credited in the account current for this quarter					
Total receipt					
DISBURSEMENTS.					
For amount charged to the Board of Trade in the Consul's account for subsistence for the quarter					
Ditto ditto for the quarter					
Clothing ditto					
Medical attendance ditto					
Travelling expenses ditto					
Total payment					
Balance					

H. B. M. Consul.

N.B.—In all cases of the death of a seaman while in charge of the Consul, this account is to be sent to the Board of Trade, whether or not any balance is due to the estate of the deceased.

C. 15.—See paragraphs 91, 94, 95, and 97.

Port of \_\_\_\_\_

**ACCOUNT OF WAGES AND EFFECTS of a deceased SEAMAN, to be delivered by the Master of the Ship to Her Majesty's Consul at a Foreign Port, when, the destination of the Ship not being direct for the United Kingdom, the probable length of the voyage will retard the settlement.**

Name of Ship.	Official Number and Port of Registry.	Name of Master.	Description of Voyage or Employment.

Name of Seaman.	Date of Engagement.	Time of Death.	Place of Death.	Cause of Death.

Wages, Money, Clothes, and other Effects.	Amount.	Inventory, copied from Official Log Book, of Articles sold, and the sum received for each.	Amount for each Article sold.	DEDUCTIONS. <i>Notice to Masters.</i> —For all deductions made, reasons must be given to the satisfaction of H.M. Consul, and when possible, they should be proved by receipts or entries in the Official Log Book.		Remarks and Initials of Consul to the several items.
				Particulars of Deductions.	Amount.	
	£ s d		s d		£ s d	
Wages at £ per for . . .						
Money in possession of deceased . . .						
Proceeds of Sale of Clothes and Effects, as per account . . .						
Total . . .						
Deductions, as per account . . .						
Net amount paid by the Master to Her Majesty's Consul . . .						
		Total		Total		

**INVENTORY copied from the Official Log Book, of Articles unsold delivered to Her Majesty's Consul.**

C. 15—continued.

Every Master of a vessel is bound to take charge of the money and effects of a Seaman or Apprentice dying on board or during the voyage, and as soon as convenient to cause any perishable effects which he has on board to be sold by auction at the mast or other public auction ; and to make an entry at the time of such sale in the official log book, stating the date, the money and effects left by the deceased, the articles sold, and the sum received for each, and the wages due to the deceased, with the amount of deductions therefrom ; such entry to be attested by a mate or one of the crew. The monies so received and taken charge of, together with any effects that may remain unsold, and the balance of wages due to the deceased, must be delivered by the Master to the Consul, as stated above. Any Master who makes default is liable, in addition to the above payments, to a penalty not exceeding three times the amount unaccounted for, or not exceeding 50*l*.

Every Master is bound, under like penalties, to deliver an account of such effects, money, and wages ; and for this purpose the above-mentioned particulars in this form must be all fully and correctly filled up.

The particulars in the following columns are to be filled up, *if, and so far as, the Master is acquainted with them* ; and if any will has been deposited with the Master, it must be given to the Consul, to be by him transmitted with this account to the Board of Trade.

Birth-place.	Age.	If any will has been made, name and address of executor.	Married or Single.	If married, the name and residence of his wife.	If any children, their names and ages.	Name and residence of father and mother, or of the nearest known relation.

I declare the above account to be just and true.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.  
*Signature of the  
Master of the Vessel* \_\_\_\_\_

I hereby certify, That I have examined the above Account, and compared the rate of wages and period of service with the agreement, and have also compared the inventory with the entry in the official log book, which is attested by the mate or one of the crew, and that the above account and inventory are correct; and further, that the balance of the account, amounting to £ \_\_\_\_\_, has been paid (*state whether in Cash or by Bill,*) and the unsold articles have been delivered to me.

If the Master delivers any effects to the Consul, and they are sold at the Port, the proceeds are to be added on this form, thus—

Amount received from Master, as above (*here state whether in Cash or by Bill*) . . . . . £  
• Proceeds of sale of effects by Consul as per account  
Total . . . . . £  
*Signature of  
Her Majesty's Consul* \_\_\_\_\_

• The account of Sales is to be attached to the account and transmitted to the Board of Trade.

C. 16.—See paragraph 84.

**ORDER OF HER MAJESTY'S CONSUL FOR CONVEYANCE OF DISTRESSED  
BRITISH SEAMEN, WITH DECLARATION AND CERTIFICATE OF THEIR  
LANDING.**

To Mr. \_\_\_\_\_

Master of the Ship \_\_\_\_\_.

*Names of the Seamen.*

Pursuant to the Act 17 & 18 Vict. cap. 104, sec. 212, you are hereby required to receive on board your vessel, and convey to the first port you touch at in the United Kingdom, the British Seamen named in the margin. For the subsistence of such of them as are supernumeraries, you will be paid at the rate of one shilling per man per diem, on your satisfying the Board of Trade of the justice of your claim.

Given under my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, at the port of \_\_\_\_\_

(Signed) \_\_\_\_\_

(L.S.)

*H. B. M. Consul.*

*NOTE.—This requisition, with a declaration in the form below, must be delivered to the Shipping Master at the port of destination in the United Kingdom. If the Consul is furnished with the printed forms, he will use them. If not, the above requisition may be in writing, with a direction to the master to apply to the Shipping Master on his return to the United Kingdom for additional forms required.*

**DECLARATION TO BE MADE BY THE MASTER BEFORE A MAGISTRATE  
IN THE UNITED KINGDOM.**

I \_\_\_\_\_ Master of the \_\_\_\_\_ Merchant Ship, do solemnly and sincerely declare, that on the \_\_\_\_\_ day

*If all the seamen were not received, here state the exception.*

of \_\_\_\_\_, 18\_\_\_\_, I received on board the said ship at \_\_\_\_\_ by order of Her Majesty's Consul, the above-mentioned distressed seamen, subjects of Great Britain \_\_\_\_\_

*If all the seamen were not landed, here state the exception.*

and landed them at \_\_\_\_\_

*If the Ship had not her full complement, state how many were deficient.*

on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, having maintained them \_\_\_\_\_ days each, during the whole of which time I had my full complement of men, exclusive of the aforesaid seamen; and I make this solemn declaration conscientiously believing the same to be true.

*Master's Signature.*

Declared before me at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 185\_\_\_\_.

*Magistrate's Signature.*

*NOTE.—This form is to be delivered by the master of the vessel to the Shipping Master at the port, who will require proof that the men have been landed. If*

*the Master wishes the money to be paid to another person than himself, he is to fill up and sign the following form.*

**Master's Signature.**

I hereby certify, That the distressed British Seamen within men-  
tioned were landed at this Port from the ship \_\_\_\_\_ on  
the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, \_\_\_\_\_

and that, exclusive of such seamen, the full complement of the crew according to the number shipped on the agreement of the said vessel when she left the United Kingdom, have returned in her \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
(Signed) *Shipping Master*

(Signed) \_\_\_\_\_ *Shipping Master.*

**Dated at** \_\_\_\_\_ **this** \_\_\_\_\_ **day of** \_\_\_\_\_ **18**\_\_\_\_.

*N.B.—This certificate must be filled in and signed by the Shipping Master, and forwarded with the documents above to the Registrar-General of Seamen.*

ber and s - d.	Number of days sub- sisted.	Rate per day.	Amount.

ct for \_\_\_\_ men do-  
st in the comple-  
t of crew \_\_\_\_ days  
per day.

**nount due**

I hereby certify, That the sum of \_\_\_\_\_  
is due to \_\_\_\_\_, master of  
the ship \_\_\_\_\_, being for the conveyance of  
the above-named seamen and boys, as per account in  
the margin.

**Dated this**                      **day of** \_\_\_\_\_ **18** \_\_\_\_.

**Registrar.**

Order for payment sent to the shipping-master at the port of  
on \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_.

**Board of Trade, }  
Whitehall. }**

C. 17.—See paragraph 95.

DOCUMENT to be sent to the SHIPPING MASTER when the EFFECTS of a deceased SEAMAN are sent by HER MAJESTY'S CONSUL to the UNITED KINGDOM.

Name of Ship to which Seaman belonged.	Official Number and Port of Registry.	Name of Master.	Description of Voyage.

Name of Seaman.	Time of Death.	Place of Death.	Cause of Death.	If he died when in charge of Consul, Number of Consul's Register.

To the Shipping Master at the Port of \_\_\_\_\_.  
Sir,

I am to inform you that I have shipped on board the \_\_\_\_\_,  
\_\_\_\_\_, Master, bound to your port, the following  
packages, sealed with the Consular seal, \_\_\_\_\_

Here enumerate the packages and contents as far as known.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

being the effects of the above-named deceased seaman.

I am, Sir,  
Your obedient servant,  
(Signed) \_\_\_\_\_, H. B. M. Consul.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_

Received the above effects.  
(Signed) \_\_\_\_\_, Shipping Master.  
Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_

*Note.*—The Shipping Master is to enter the particulars in his Book of Receipts for Wages and Effects of deceased Seamen, and sign this form and forward it to the Registrar-General of Seamen, who will send it to the Board of Trade.

C. 18.—See paragraphs 67, 68, & 89.

ACCOUNT OF EXPENSES INCURRED BY HER MAJESTY'S CONSUL AT THE  
PORT OF \_\_\_\_\_ FOR THE SHIP \_\_\_\_\_, FOR WHICH THE  
OWNERS ARE LIABLE.

No. in Consul's Register.	Name of Seaman.	Name and Official Number of Ship and Port of Registry.	Owner's Name and Address.

Date.	Particulars of Expenses incurred.	Currency.			Sterling.		
					£	s.	d.

I hereby certify, That the above expenses were incurred and have been paid by me, and charged in my accounts with the Board of Trade, and that the owners are liable for the amount under the Merchant Shipping Act, 1854, on the ground that\*

\* Here state the ground of liability of the owners.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_

\_\_\_\_\_ H.B.M. Consul.

C. 19.—See paragraph 79.

REGISTER BOOK of the NAMES and PARTICULARS of distressed  
Consul at the Port

Register No.	Name of Seaman.	Age.	Name and No. of Ship, and Port of Re- gistry.	Owner's Name.	From what cause dis- tressed.	Date when first taken in charge.	Date of re- covery or discharge from Con- sul's care.	Total period under Con- sul's charge.

C. 20.—See paragraphs 62, 71, & 78. Port of \_\_\_\_\_.

AN ACCOUNT of Expenses incurred in the SUBSISTENCE of distressed  
in the Quarter ending \_\_\_\_\_ 18 \_\_, for the periods  
Act 17 & 18 Vict. cap. 104, sec. 211.

No. in Consul's Register Book.	Name of Seaman. .	Age.	Name and Official Number of Ship and Port of Registry.	Owner's Name.	From what cause dis- tressed.	Date when first taken charge of.	Period during which relief was given this Quarter.		
							From	To.	No. of Days.

N.B.—The foregoing Account is to be certified by two or more

We, whose names are hereunto subscribed, being Merchants  
residing at the Port of \_\_\_\_\_, do hereby certify, That the rate of  
\_\_\_ per day charged for the subsistence of the above men, is not more  
than a sufficiency to provide the necessaries of life for one day at  
this time.

Witness our hands \_\_\_\_\_  
this \_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

} *Signatures of two  
merchants residing  
at the above-men-  
tioned port.*



BRITISH SEAMEN taken charge of and relieved by Her Majesty's  
of \_\_\_\_\_.

Sub- sistence.	Amount paid for Relief.				Amount of Wages received from Master.	Balance (if any) paid to Seaman on re- covery	Date of Pay- ment.	Remarks. How the Seaman was dis- posed of, &c.
	Clothes.	Medical Expenses.	Traveling Expenses.	Total.				
					£ s. d.	£ s. d.		

BRITISH SEAMEN relieved by Her Majesty's Consul at the above Port  
under-mentioned, at the rate of \_\_\_\_\_ per day, pursuant to the

Rate per Day in Currency.	Amount in Currency.	Seaman's signature* or mark, in acknowledgment of payment, or of having been boarded.	In what manner the Seaman was disposed of.	Amount in sterling of Wages received from Master; if none received, to be stated.						Remarks and reference to vouchers.
				In Cash.			By Bill.			
				£	s.	d.	£	s.	d.	

Merchants in the manner following, and to be signed by the Consul as  
below.

I certify, That the above account is correct.

\_\_\_\_\_  
H.B.M. Consul.

\* If the Seaman makes a mark instead of signing his name, such mark is to  
be made in the presence of a disinterested person, who is to sign as a witness.



Port of \_\_\_\_\_.

C. 22—See paragraph 76.

Account of Expenses paid for Medical Assistance to distressed British Seamen by Her Majesty's Consul at the above Port in the Quarter ending \_\_\_\_\_, 18\_\_\_\_\_.

No. in Counl's Register Book.	Name of Seaman.	Name and Official Number of Ship and Port of Registry.	Circumstance which rendered this assistance necessary.	To whom paid.	No. of Voucher.	Amount in Currency.	Remarks.

**I hereby certify, That the above expense was absolutely necessary.**

**H. B. M. Consul.**





**C. 25.—See paragraph 97.**

Account of the Proceeds of the Sale of the Effects belonging to and of Money in the possession of SEAMEN who have died while under the charge of Her Majesty's Consul at the above Port in the Quarter ending .18 .

[illegible]

**I hereby certify the above account to be correct.**

**H. B. M. Council**

C. 26.—See paragraphs 61, 62, and 163.

Has MAJESTY'S CONSUL (here insert name of Consul)  
for the

in Account Current with the BOARD OF TRADE.  
ending 185\_\_.

Cr.

Receipts.	Currency.	Sterling.	Bills drawn on the Owners	Payments.	Currency.	Sterling.	Bills drawn on the Owners
Receipts in respect of seamen left in charge of Consul, viz.—		£ s. d.	£ s. d.	By amount paid for subsistence of distressed British seamen, as per statement C. 20, Vouchers Nos. to		£ s. d.	£ s. d.
From masters of merchant vessels for wages of seamen left in my charge as per subsistence list and vouchers with Forms C. 12, Nos. to				By amount for clothing as per statement C. 21, Vouchers Nos. to			
For cash received for proceeds of sale of effects, etc. of seamen who have died while under my charge as per statement and vouchers with Forms C. 35, Nos. to				By amount for medical attendance as per statement C. 23, Vouchers Nos.			
Receipts in respect of deceased seamen dying on the voyage or in port and for whom no expenses have been incurred by Consul, viz.—				By amount for travelling expenses as per statement C. 22, Vouchers Nos. to			
For wages and effects of deceased seamen as per statement and Form C. 16				By postage of letters on H. M. service in respect of this account as per statement C. 24			
Total receipts				Totals			
To cash, being balance due to me, for which I have drawn a bill upon the Accountant to the Board of Trade at three days' sight in favour of	£			By commission on the amount of the above disbursements at 2½ per cent.			
Total in sterling	£			By amount paid for balance of wages due to seamen and paid to them on their recovery, as per statement and Form C. 13, Nos. to			
Total in bills drawn on the owners of British merchant ships	£			Equal to the Exchange at sterling to			
				By amount of bills, as per contra, drawn by the masters on the owners of British merchant ships, and transmitted to the Board of Trade.			

I hereby certify, That the above account is just and true, according to the best of my knowledge and belief.

day of \_\_\_\_\_, 185\_\_.

Signature of Consul.

C. 27.—See paragraph 171.

FORM OF BILL ON BOARD OF TRADE.

*Relief of Distressed British Seamen.*

Dated at \_\_\_\_\_,  
the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.  
£ \_\_\_\_\_, equal to \_\_\_\_\_ Currency.  
Exchange at \_\_\_\_\_, per \_\_\_\_\_.  
Three days after sight of this my \_\_\_\_\_ Bill of Exchange,  
(\_\_\_\_\_ of the same tenor and date not paid), please  
to pay to my order, on the back hereof, the sum of \_\_\_\_\_  
pounds \_\_\_\_\_ shillings and \_\_\_\_\_ pence,  
according to the rate of exchange above stated, being for the Balance  
due to me as per account current for the Quarter ending \_\_\_\_\_,  
18 \_\_\_\_.

\_\_\_\_\_  
*Drawer's signature.\**

*To the Accountant of  
The Board of Trade,  
London.*

We do hereby certify, That at the date of drawing this Bill, the  
course of exchange for Bills on the British Government at three days'  
sight was at the rate of \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
} *Signatures of two  
resident Merchants  
at \_\_\_\_\_.*

C. 28.—See paragraph 160.

FORM OF SECURITY FOR SALVAGE BY PERSONS RESIDING IN  
FOREIGN PORTS.

Whereas a Salvage Bond, made under the Merchant Shipping Act,  
1854, has been executed in the following terms [*here copy Salvage  
Bond*]; and whereas the owners of the said Ship and Cargo reside at  
\_\_\_\_\_, out of her Majesty's dominions; and whereas the

\* The Drawer, besides signing his name at the foot of the above Bill, must  
write at the back of this Bill the Christian and surname of the payee (that is,  
the person with whom he negotiates it), and also affix his own signature to the  
endorsement.



said ship and cargo cannot be released by virtue of the provisions contained in the said Act without additional security, approved by H.B.M.'s Consul for the port of \_\_\_\_\_; and whereas the said Consul has approved the security herein-after given, as is testified by his endorsement hereon: we, the said *A. B.* and *C. D.* hereby, for ourselves, our respective executors, administrators, and assigns, agree with the said \_\_\_\_\_, his executors, administrators, and assigns, that in consideration of the said Ship and Cargo being released by the said \_\_\_\_\_, we, the said \_\_\_\_\_, do hereby guarantee payment of the sum for which the within-written Bond is given in manner therein mentioned: in witness whereof, we have hereunto set our hands and seals, this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_.

(L.s.)

(Signed) \_\_\_\_\_

of \_\_\_\_\_

(L.s.)

(Signed) \_\_\_\_\_

of \_\_\_\_\_

*Attestation of Consul.*

I hereby attest, That I have approved the above security, and that it has been executed by the above-named *A. B.* and *C. D.* in my presence, this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_.

(Signed) \_\_\_\_\_

*H. B. M. Consul.*

C. 29.—See paragraphs 151, 163, 173.

At the Court at *Buckingham Palace*, the 1st day of  
*May*, 1855.

PRESENT:

The Queen's most Excellent Majesty in Council.

Whereas by the fourth section of the Act of the sixth year of the Reign of King George the Fourth, chapter eighty-seven, intituled "An Act to regulate the Payment of Salaries and Allowances to British Consuls at Foreign Ports, and the Disbursements at such Ports for certain public Purposes;" it is amongst other things enacted "That it shall and may be lawful for all Consuls-General and Consuls appointed by His Majesty and resident within the dominions of any Sovereign or any Foreign State or Power in amity with His Majesty, to accept, take, and receive, the several fees particularly

“ mentioned in the Tables to this said Act annexed, for and in respect  
“ or on account of the several matters and things and official acts and  
“ deeds particularly mentioned in the said schedules, and that it shall  
“ and may be lawful for His Majesty, by any order or orders to be by  
“ him made, by and with the advice of his Privy Council, from time to  
“ time as occasion may require, to increase or diminish or wholly to  
“ abolish all or any of the fees aforesaid, and to establish and authorize  
“ the payment of any greater or smaller or new or additional fees or  
“ fee, for or in respect of the several matters and things mentioned in  
“ the said Schedules or any of them, or for or in respect of any other  
“ matters or things or matter or thing to be by any such Consul-  
“ General or Consul done or performed in the execution of such his  
“ office.” And whereas by an Order in Council, made on the 14th day  
of April, 1851, it was ordered “ that whenever a British Consul-General,  
“ Consul, or Vice-Consul should be called upon by Masters of Merchant  
“ Ships to give his sanction in writing as to shipment or discharge of  
“ seamen, or his certificate as to the desertion of seamen, it should be  
“ lawful for such Consul-General, Consul, or Vice-Consul to demand,  
“ recover, and receive from all Masters or other Chief Officers or Com-  
“ manders of any ship or vessel belonging to any of Her Majesty’s  
“ subjects the sum of two shillings for each seaman, whose shipment  
“ or discharge should have been so sanctioned, or whose desertion  
“ should have been so certified, and that it should not be lawful for  
“ such Consul-General, Consul, or Vice-Consul, to levy a larger fee for  
“ this service.”

And whereas it is expedient to abolish the fees mentioned in the  
Tables to the said Act annexed and in the said Order in Council of the  
14th day of April, 1851, and to establish and authorize the payment of  
other fees in lieu thereof. Now, therefore, in pursuance of the said  
Act and in execution of the powers in Her Majesty in Council in that  
behalf vested by the said Act, it is hereby ordered by Her Majesty, by  
and with the advice of Her Privy Council, that the several fees men-  
tioned in the Tables to the said Act annexed and in the said Order in  
Council of the 14th day of April, 1851, shall be abolished ; and that the  
several fees mentioned in the Table hereunto annexed, for the several  
matters mentioned therein, shall be substituted for the fees so abo-  
lished, and shall and may be taken accordingly, subject to the direc-  
tions and restrictions contained in the notes appended to the said  
Table.

And the Right Honourable the Earl of Clarendon, one of Her  
Majesty’s principal Secretaries of State, is to give the necessary direc-  
tions herein accordingly.

*Wm. L. Bathurst.*

TABLE OF FEES REFERRED TO BY THE FOREGOING  
ORDER.

C. 29—*continued*.

PART I.

FEES TO BE TAKEN IN RESPECT OF MATTERS IN WHICH THE CONSUL'S  
INTERPOSITION IS REQUIRED BY LAW.

Matter in respect of which the Fee is to be taken.	Fee.		
	£	s.	d.
For every Declaration made before the Consul in Forms B., C., F., G., H., and L., in the Schedule to the Merchant Shipping Act, 1854, with a view to the registry, transfer, and transmission of Ships, interests in Ships, or mortgages on Ships . . . . .	0	5	0
For indorsing a memorandum of change of Master upon the Certificate of Registry . . . . .	0	2	0
For granting a Provisional Certificate of Registry. (This fee to be exclusive of fees on Declarations) . . . . .	0	10	0
For recording a mortgage of a Ship or shares in a Ship made under a Certificate of Mortgage . . . . .	0	10	0
For recording the transfer of a mortgage of a Ship or shares in a Ship made under a Certificate of Mortgage . . . . .	0	7	0
For recording the discharge of a mortgage of a Ship or shares in a Ship made under a Certificate of Mortgage . . . . .	0	7	6
For every sale of a Ship or shares in a Ship made before the Consul under a Certificate of Sale . . . . .	0	10	0
For inspection of the Register Book of Transactions in Ships . . . . .	0	1	0
For every seaman engaged before the Consul . . . . .	0	2	0
For every alteration in agreements with seamen made before the Consul . . . . .	0	2	0
For every seaman discharged or left behind with the Consul's sanction . . . . .	0	2	0
For every desertion certified by the Consul . . . . .	0	2	0
For attesting a seaman's will . . . . .	0	2	0
For examination of provisions or water, to be paid by the party who proves to be in default . . . . .	0	10	0
For every Salvage Bond made in pursuance of 17 and 18 Vict. c. 104, sec. 488, to be paid by the master or owner of the property salvaged . . . . .	2	0	0
On disbursements in respect of distressed seamen, a commission of 2½ per cent.			

C. 29—*continued*.

## PART II.

FEES TO BE TAKEN IN RESPECT OF MATTERS IN WHICH THE CONSUL'S  
INTERPOSITION IS TO BE GIVEN ONLY WHEN REQUIRED BY THE  
PARTIES INTERESTED.

Matter in respect of which the Fee is to be taken.	Fee.		
	£	s.	d.
For noting a protest, with certified copy if required . . .	0	5	0
For order of survey, with certified copy if required . . .	0	5	0
For extending a protest or survey, with certified copy if required . . . . .	1	0	0
And if it exceeds 200 words, for every additional 100 words . . . . .	0	2	6
For preparing and attesting bottomry or arbitration bond .	1	0	0
For attesting bottomry or arbitration bond not prepared by Consul . . . . .	0	5	0
For attendance out of consular office at a shipwreck, or for the purpose of assisting a ship in distress, or of saving wrecked goods or property, over and above travelling ex- penses per diem . . . . .	1	1	0
For attending valuation of goods, if under 200 <i>l.</i> in value .	0	10	6
For attending valuation of goods, if 200 <i>l.</i> and upwards in value, for every day's attendance during which the valua- tion continues . . . . .	1	1	0
For attending sale of goods, if the purchase money is under 200 <i>l.</i> . . . . .	1	1	0
For attending sale of goods, if the purchase money is 200 <i>l.</i> , or upwards, for every day during which the sale continues	2	2	0
Certificate of due landing of goods exported from the United Kingdom . . . . .	0	9	0
Bill of health . . . . .	0	10	0
Visé of passport . . . . .	0	2	0
Opening of Will of a British subject, not being a seaman .	1	1	0
Management of property of a British subject, not being a seaman, dying intestate, commission of 2½ per cent.			
Registration of documents or other matters . . . . .	0	2	6
And if exceeding 100 words, for every additional 100 words	0	0	6
For every certified copy of a document not before mentioned	0	2	6
And if it exceeds 100 words, for every additional 100 words	0	0	6
For administering an oath or declaration, including attesta- tion of signature if required . . . . .	0	2	0

C. 29—continued.

Matter in respect of which the Fee is to be taken.	Fee.		
	£	s.	d.
For attesting a signature . . . . .	0	2	0
For annexing the seal of office and signature to any document not mentioned in or otherwise provided for by this Table . . . . .	0	5	0

*Note 1.*—No fee is to be taken for the custody of or indorsement on ship's articles and papers deposited with the Consul in pursuance of the Merchant Shipping Act, 1854, Section 279.

*Note 2.*—Where any fee is fixed by the foregoing Tables for any particular act or transaction, no additional fee is to be demanded for signature, attestation, or annexing seal of office.

*Note 3.*—The above fees, if not paid in English money, are to be calculated at the current rate of exchange.

C. 30.—See paragraph 176.

STATEMENT of the Gross Amount of all Fees and Remuneration received at the British Consulate at \_\_\_\_\_ during the Year 18 \_\_, according to the Table of Fees established by the Act of the 6th Geo. 4, cap. 87, and the Order in Council of the \_\_\_\_\_ day of \_\_\_\_\_, 1 \_\_ 8.

	AMOUNT.		
	Dollars of 4s. 6d.	Currency.	Pounds Sterling.
	\$		£
Fees received under first part of Table . .			
Fees received under second part of Table			
Totals . . . .			

I hereby certify, That the above is a true and correct statement of the total amount of all Fees received at this Consulate within the year 18 \_\_, and that the average rate of exchange during the year has been as follows: viz.—

January the \_\_\_\_\_ 18 \_\_.

(Place.)

(Signature of the Consul.)

## CHAPTER IV.

## THE CONSULAR DUTIES IN THE LEVANT AND TURKEY.

*"Let everything be observed in conformity to these Capitulations, and contrary thereto let nothing be done."*

**W**ERE it the object of this work to recapitulate the history of the great nations now slumbering in the East, borne down by the stream of time, and passed like a shadow from among us, we might fill volumes with the history of kings and people who have traversed those parts, and are now beneath the shade whence none return. From the foundation of the Roman Empire, through her triumphs and decline; through the glories of Greece, and the capture of Constantinople, what lessons can be afforded to the Consul. This, however, does not come within our present aim.

We shall, therefore, begin with the reign of Sultân Mehmed—with the capitulations and articles of peace between Great Britain and the Ottoman Empire, as agreed upon, augmented, and altered at different periods, and finally confirmed by the Treaty of Peace, concluded at the Dardanelles, in 1809, in which it was stipulated, that the English nation and merchants should trade and go into the Ottoman dominions without any prejudice or molestation being given to their persons, property, or effects, by any person whomsoever. That English ships and vessels, entering the ports and harbours of the Ottoman States, shall and may safely abide and remain therein; and at their free will and pleasure depart therefrom, without any opposition or hindrance from any one. That if any ship be wrecked, all Beys, etc., shall give all help and assistance, and restore whatever goods may be driven ashore. The Preamble of the Treaty then goes on relating the privileges as regard Englishmen absconding for debt, or becoming bankrupt. That all cases of calumniation shall be referred to the Ambassador. That all Englishmen found as slaves, shall be immediately delivered to the Consuls. That the English Ambassador might establish Consuls at Aleppo, Alexandria, Tripoli, Barbary, Scio, Smyrna. All disputes between the English should be settled by the Ambassador; all capitulations and privileges granted to other princes should be extended to the English.

During the reign of James II., an Ambassador was also sent to the Sublime Port, who added fresh articles to the above treaty.

Queen Anne, also, about the year 1708, sent an Ambassador to the Sultan, for the furthering of other and more extensive privileges to the English. Again, in the reign of the Georges, Ambassadors were

sent for the same object, and greatly increased the immunities the British mercantile community enjoy in the Turkish dominions.

In the reign of His Majesty George III., an important treaty was concluded on the 5th January, 1809, by Robert Adair, Esq., which became the treaty of peace and friendship, in which the before-mentioned capitulations, agreed upon, in 1675, were again put in force; and that like reciprocity should be given to Turkish vessels trading to the English ports. That Consuls may be appointed, and Ambassadors furnish themselves with dragomen.

In the reign of George IV., an Act of Parliament was passed relating to the Levant Company, a part of which has been since repealed by the 6 & 7 Vict. c. 94.

In furtherance of the above Treaties, firmans were issued in 1799 and 1835, the first granting to English Merchant vessels the privileges of commerce in the Black Sea, and the other relative to the execution in Egypt of the Treaties of commerce between the Ottoman Porte and Great Britain.

On the 13th August, 1836, an Act of Parliament was passed to enable His Majesty to make regulations for the better defining and establishing the powers and jurisdiction of His Majesty's Consuls in the Ottoman Porte. This Act has been since repealed by the 6 and 7 Vict. cap. 34.

On the 16th August, 1838, a further Convention was signed at Balta-Liman, amending and altering certain stipulations contained in the capitulations before mentioned, and confirming those not so amended for now and for ever; regulating the purchase of all articles in the Turkish dominions, and the Tariff of duties, and for the issue of firmans, and the circumstances rising therefrom. An additional Article was also added to this, relating to the above stipulations; and on the 27th August, 1838, an explanatory note relative to the second Article was delivered to Her Majesty's Ambassador.

We then pass to the Convention between Great Britain, Austria, Prussia, and Russia, and the Ottoman Porte, which has so often been discussed in the present period, but which does not form part of the object we have in view, and to that of 1841, respecting the passage of the Dardanelles and Bosphorus by ships of war.

Passing along in panoramic view, as it might be, we come to the Act of Parliament 6 and 7 Vict. cap. 94, repealing part of the 6 Geo. IV. c. 33, and that of the 6 and 7 Wm. IV. c. 78; to the Order in Council of the 2nd October, 1843, providing for the temporary exercise of power and jurisdiction by British Functionaries in the Ottoman dominions; and that of the 19th June, 1844, being for the exercise of power and jurisdiction by British Functionaries in the states of the Sultan.

On the 27th April, 1847, an Order in Council was also published, reciting the Act of 6 and 7 Vict. cap. 94 and the Order in Council of 19th June, 1844, treating of the Consular courts, expulsion from Turkey of persons convicted for the first time, for the security of good behaviour, and for British subjects to keep the peace.

We must now briefly refer to the Levant Company, being a company of merchants, to whom King James the First granted a patent, conferring certain lands and privileges upon them. It having been found expedient to annul this patent, the Act of Parliament 6 George IV. c. 33, before referred to, was passed, transferring the land by purchase to the Crown.

We have annexed all the Treaties concluded with the Ottoman Porte, Acts of Parliament, Orders in Council, and Foreign Office Instructions.

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#### PAPERS RELATING TO CONSULAR JURISDICTION IN THE LEVANT.

1. An Act to Repeal certain Acts relating to the Governor and Company of Merchants trading to the Levant, 6th Geo. IV. cap. 33. . . . . 10th June, 1825
2. Circular, Foreign Office . . . . . 6th Oct., 1843
3. An Act to Remove Doubts as to the Exercise of Power and Jurisdiction of Her Majesty within divers Countries and places out of Her Majesty's Dominions, and to render the same more effectual, 6 and 7 Vict., cap. 94 . . . . . 24th Aug., 1843
4. Order in Council respecting the Exercise of Jurisdiction by Her Majesty's Consuls in Turkey in Civil Cases . . . . . 2nd Oct., 1843
5. Circulars of Foreign Office . . . . . 2nd July, 1844
6. Order in Council conferring on Her Majesty's Consular Officers in the Ottoman Dominions Jurisdiction in Criminal Cases . . . . . 19th June, 1844
7. Memorandum for the Guidance of Her Majesty's Consular Servants in the Levant with reference to the Exercise of Jurisdiction under the Order in Council . . . . . 2nd July, 1844
8. Circular of Foreign Office and Form of Returns . . . . . 3rd July, 1844
9. Capitulations and Articles of Peace, as agreed upon, augmented and altered at different periods, and finally confirmed by the Treaty of Peace, concluded at the Dardanelles in 1809 . . . . . 1675—1809
10. Order in Council, making further Provision for the Exercise of Power and Jurisdiction by British Consular Courts in the Ottoman Dominions . . . . . 24th April, 1847



## 6 GEO. IV., CAP. 33.

AN Act to repeal certain Acts relating to the Governor and Company of Merchants of England trading to the Levant Seas, and the duties payable to them: and to authorise the transfer and disposal of the possessions and property of the said Governor and Company for the public service.

WHEREAS His late Majesty King James the First, by his Letters Patent, bearing date the fourteenth day of December, <sup>14th Dec., 3 Jac. 1, incorporating the Levant property, recited.</sup> in the third year of his reign, did grant to several persons therein named, and to their sons, and such others as should hereafter be admitted and made free, and they should be one fellowship, and one body corporate and politic, by the name of "The Governor and Company of Merchants of England trading to the Levant Seas;" and by the same name should have perpetual succession, with certain rights and privileges in the said letters patent specified: And whereas His late Majesty King Charles the Second, by his letters patent bearing date the second day of April, in the thirteenth year of his reign, did ratify and confirm the said letters patent of King James the First, and did grant further authorities and privileges to the said Governor and Company: And whereas by divers Acts certain regulations have been made respecting the said Company, and the Dues and Duties payable to the said Company, that is to say, an Act made in the twenty-sixth year of the reign of His late Majesty King George the Second, intituled, "An Act for enlarging and regulating the Trade into the Levant Seas;" an Act made in the twentieth <sup>26 Geo. 2, c. 18; 20 Geo. 3, c. 18.</sup> year of the reign of His late Majesty King George the Third, among other things, for the allowing the Importation into and Exportation from Ireland of such goods as may be imported into or exported from Great Britain by the merchants of England trading to the Levant Seas; an Act made in the <sup>43 Geo. 3, c. 153.</sup> forty-third year of His said late Majesty King George the Third, to permit the Importation into Great Britain and Ireland of certain goods, wares, and merchandise, in neutral vessels; an Act made in the fifty-fifth year of the <sup>55 Geo. 3, c. 29.</sup> reign of His late Majesty King George the Third, intituled, "An Act to regulate the trade between Malta and its Dependencies and His Majesty's Colonies and Plantations in America, and also between Malta and the United Kingdom;" an Act made in the fifty-seventh year of the reign of His said

57 Geo. 3,  
c. 4.

59 Geo. 3,  
c. 110.

As soon as  
the Com-  
pany shall  
by deed  
under their  
Common  
Seal, enrol-  
led in Chan-  
cery, sur-  
render the  
Letters Pa-  
tent and the  
rights there-  
by granted,  
the same  
shall become  
void, and the  
Corporation  
shall cease ;

and their  
Houses, etc.,  
shall be  
vested in the  
King.

late Majesty King George the Third, intituled, "An Act to extend the privileges of the trade of Malta to the port of Gibraltar; and an Act made in the fifty-ninth year of the reign of His said late Majesty King George the Third, intituled, "An Act to remove doubts respecting the dues payable to the Levant Company:" And whereas it would be beneficial to the trade of the United Kingdom, and especially to the trade carried on in the Levant Seas, that the exclusive rights and privileges of the said Governor and Company under the said Letters Patent and Acts of Parliament should cease and determine: And whereas the said Governor and Company are willing and desirous to surrender up the said letters patent into His Majesty's hands: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the authority of the same, That whenever and so soon as any deed or instrument by which the said Governor and Company shall so render up to His Majesty the said letters patent, and all rights, powers, and privileges thereby granted or confirmed to the said Governor and Company, shall be made and executed under the Common Seal of the said Governor and Company, and shall be enrolled in His Majesty's High Court of Chancery, the said several letters patent and grants hereinbefore recited, and every matter, clause, and thing therein contained, shall be and become, and the same are hereby declared to be and become null and void; and that from and immediately after the enrolment of such deed or instrument, the said Governor and Company shall cease to be a body politic and corporate, and the said corporation shall be dissolved to all intents, constructions, and purposes whatsoever; and all rights, powers, and privileges by the said letters patent, or by the said several hereinbefore recited Acts, or by any other authority or means granted to or possessed by the said Governor and Company, shall from henceforth cease and determine; anything in the said several letters patent and Acts, or any of them, to the contrary in anywise notwithstanding; and the said Governor and Company shall be and they are hereby divested of and from all land, houses, and buildings, by whatever tenure holden, at any time heretofore purchased, acquired or holden by the said Governor and Company, and

which are holden, possessed, or claimed by the said Governor and Company, within the United Kingdom, or at Smyrna or elsewhere, and all such land, houses, buildings, and all right, title, estate, or interest therein or thereto, holden, purchased, acquired, possessed, enjoyed, or claimed by the said Governor and Company, shall thenceforth be and the same and every of them are and is hereby declared and enacted to be fully and absolutely vested in His Majesty, His heirs and successors, for ever.

II. And whereas certain grants of money have been from time to time made to the said Governor and company of merchants of England trading to the Levant Seas, by sundry Acts, for the purpose of better enabling them to carry into effect the objects for which they were incorporated: and whereas it is just and expedient that all such property as shall belong to or be at the disposal of the said Governor and Company under or by virtue of the said Letters Patent and Acts, or any of them respectively, at the time of such their dissolution, should, after the payment of all debts and demands to which the said Governor and Company may be liable as such Corporation, be applied to the public service, in the manner herein-after directed; be it therefore enacted, That from and immediately after the enrolment of any such deed or instrument as aforesaid, whereby the said Corporation shall be dissolved in manner directed by this Act, all moneys in the public funds, and all other moneys, goods, chattels, property, and other personal estate and effects whatsoever, in the possession or at the disposal of the said Governor and Company as such Corporation as aforesaid, or to which the said Governor and Company as such Corporation are or shall be entitled, or which shall or may be due to the said Governor and Company as such Corporation, shall be and become vested, and are hereby vested in the Commissioners of His Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the time being; and that it shall and may be lawful for the said Commissioners of the Treasury now and for the time being, or any three of the said Commissioners, to accept, receive, and recover, and to sell, transfer, and dispose of all such funds, moneys, goods, chattels, property, and other personal estate and effects whatsoever, and to apply the produce thereof, in the first place, in and for the payment of all just debts and demands to which the said Governor and Company are or shall be liable at the

Funds and effects of the Corporation vested in the Treasury, for payment of the Company's Debts, and the surplus to be carried to the Consolidated Fund.

dissolution of such Corporation, on account of any matter or thing relating to such Corporation; and from and after payment of all such debts and demands, it shall be lawful for the said Commissioners of the Treasury for the time being, or any three or more of them, and they are hereby authorised and required to direct, that all the remainder and surplus of the produce of such public funds, moneys, goods, chattels, property, and other personal estate as aforesaid shall be paid into the receipt of His Majesty's Exchequer at Westminster, and shall be placed to the account of and made part of the consolidated fund of the United Kingdom of Great Britain and Ireland.

26 Geo. 2. c. 18, and 59 Geo. 3, c. 110, repealed and the Duties payable to the Company shall cease, except as to Arrears remaining due.

All Clauses in the before recited Acts relating to the said Company repealed.

III. And be it further enacted, That from and immediately after the enrolment in His Majesty's High Court of Chancery of such deed or instrument as aforesaid, the said recited Act of the twenty-sixth year of the reign of His late Majesty King George II.; and also the said recited Act of the fifty-ninth year of the reign of His late Majesty King George III., and all powers for the levying of any duties or dues heretofore payable to the said Governor and Company, shall be and the same are hereby repealed; and all such duties and dues, and all powers for levying the same, shall cease and determine, except only so far as relates to the payment and recovery of any arrears of duties and dues, which shall be payable to the said Company at the time of the enrolment of such deed or instrument; and also that from and after such enrolment of such deed or instrument, all and every clause, matter, and thing contained in the said several hereinbefore recited Acts made in the twentieth, forty-third, fifty-fifth, and fifty-seventh years of the reign of His said late Majesty King George III., in any way extending or relating to the said Governor and Company, shall be and the same are from thenceforth hereby repealed; anything in the said recited Acts or any of them, or any other law, usage, or custom to the contrary in anywise notwithstanding.

IV. Repealed by 6th and 7th Victoria, cap. 94.

Treasury may grant Allowances and Pensions to Officers of the Company etc., losing their Offices under this Act.

V. And be it further enacted, That it shall and may be lawful for the Commissioners of His Majesty's Treasury, or any three or more of them, and they are hereby empowered and authorised to grant reasonable allowances and pensions to such of the Officers and Servants in England of the said Company, and to such other person or persons as, by reason of the dissolution of the said Company, may lose and be

deprived of their offices, employments, and pensions, and to charge the same upon the Consolidated Fund of the United Kingdom; and all such allowances and pensions to be so granted, shall be payable and paid quarterly at the Receipt of the Exchequer at Westminster, out of the said Consolidated Fund, free and clear of and from all taxes, charges, and deductions whatsoever; and the said Commissioners of His Majesty's Treasury shall yearly and every year before the twenty-fifth day of March in each year, if Parliament be sitting, and in case Parliament shall not be sitting, then within twenty days after the meeting of Parliament then next following such twenty-fifth day of March, cause an account and estimate to be laid before Parliament of the total amount of such allowances and pensions payable to such Officers and Servants in England of the said Company, and to such other persons as are herein-before mentioned, for one year ending on the fifth day of January preceding every such twenty-fifth day of March respectively.

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#### LEVANT JURISDICTION.

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FOREIGN OFFICE,  
6th October, 1843.

SIR,—I transmit to you herewith an Act of the last Session of Parliament, intituled, "An Act to remove doubts as to the Exercise of Power and Jurisdiction by Her Majesty, within divers countries and places out of Her Majesty's dominions, and to render the same more effectual;" and a copy of an Order, which, in pursuance of the powers vested in her Majesty by that Act, and with the advice of Her Privy Council, Her Majesty has been pleased to issue, directing that until further orders, Her Majesty's Ambassadors, Ministers, Chargés d'Affaires, Consuls-General, Consuls, and Vice-Consuls, resident within the dominions of the Sublime Ottoman Porte, and being subjects of Her Majesty, shall continue to exercise all such power and jurisdiction within the said dominions as have heretofore been customarily exercised by them; and shall continue to observe all such laws, usages, forms of procedure, and methods

of enforcing obedience, as have heretofore been customarily observed therein.

The effect of this Order is to relieve you from the serious responsibility under which you have hitherto acted, with regard to matters of jurisdiction, by giving to your proceedings, in such matters, the sanction and authority of law, which, in many instances, have heretofore been wanting to them. But you will clearly understand that this Order goes no further. You must not exceed the limits which prudence or convenience have hitherto prescribed to you, until such time as Her Majesty shall be pleased, by a further Order, to give you the additional authority which circumstances may appear to require to be vested in you. The present measure is designed solely for your protection against the consequences of acting without lawful authority; the subsequent measures will require to be seriously considered before they are promulgated; but they will, in due time, be communicated to you. I am, etc.

(Signed)

ABERDEEN.

INCLOSURE 1, IN No. I.

*Act of 6 and 7 Victoria, cap. 94.*

AN Act to remove doubts as to the exercise of Power and Jurisdiction by Her Majesty with divers Countries and Places out of Her Majesty's Dominions, and to render the same more effectual. [24th August, 1843.]

The power acquired by Her Majesty in countries out of Her dominions shall be held on the same terms as Her Majesty's authority in the Crown colonies.

WHEREAS by treaty, capitulation, grant, usage, sufferance, and other lawful means, Her Majesty hath power and jurisdiction within divers countries and places out of Her Majesty's dominions: and whereas doubts have arisen how far the exercise of such power and jurisdiction is controlled by and dependent on the laws and customs of this realm, and it is expedient that such doubts should be removed: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That it is and shall be lawful for Her Majesty to hold, exercise, and enjoy any power or jurisdiction which Her Majesty now hath or may at any time hereafter have within any country or place out of Her Majesty's dominions, in the same and as ample a manner

as if Her Majesty had acquired such power or jurisdiction by the cession or conquest of territory.

II. And be it enacted, That every act, matter, and thing which may at any time be done, in pursuance of any such power or jurisdiction of Her Majesty, in any country or place out of Her Majesty's dominions, shall, in all Courts, ecclesiastical and temporal and elsewhere within Her Majesty's dominions, be and be deemed and adjudged to be, in all cases and to all intents and purposes whatsoever, as valid and effectual as though the same had been done according to the local law then in force within such country or place.

Acts done in pursuance of such power to be of the same effect as if done under local laws.

III. And be it enacted, That if in any suit or other proceedings, whether civil or criminal, in any court ecclesiastical or temporal within Her Majesty's dominions, any issue or question of law or of fact shall arise for the due determination whereof it shall, in the opinion of the judge or judges of such court, be necessary to produce evidence of the existence of any such power or jurisdiction as aforesaid, or of the extent thereof, it shall be lawful for the judge or judges of any such court, and he or they are hereby authorised, to transmit, under his and their hand and seal or hands and seals, to one of Her Majesty's Principal Secretaries of State, questions by him or them properly framed respecting such of the matters aforesaid, as it may be necessary to ascertain in order to the due determination of any such issue or question as aforesaid; and such Secretary of State is hereby empowered and required, within a reasonable time in that behalf, to cause proper and sufficient answers to be returned to all such questions, and to be directed to the said judge or judges, or their successors; and such answers shall, upon production thereof, be final and conclusive evidence, in such suit or other proceedings, of the several matters therein contained and required to be ascertained thereby.

Courts authorized to procure evidence of such power by application to Secretary of State.

IV. And whereas it may in certain cases be expedient that crimes and offences committed within such countries or places as aforesaid should be inquired of, tried, determined, and punished within Her Majesty's dominions; Be it enacted, that it shall and may be lawful for any person having authority derived from Her Majesty in that behalf, by warrant under his hand and seal, to cause any person charged with the commission of any crime or offence, the cognizance whereof may at any time appertain to any judge, magistrate, or other officer of Her Majesty within any such country or

Power to send persons charged with crimes for trial to a British colony.

Before any such person shall be sent to any colony for trial, he may tender any material evidence that he would be unable to produce on trial, and which shall be taken down and transmitted.

In case the laws of the place in which the act was committed vary from those of the colony, the Court may give effect to them.

place as aforesaid, to be sent for trial to any British colony which Her Majesty may, by any order or orders in Council, from time to time, appoint in that behalf; and upon the arrival of such person within such colony, it shall and may be lawful for the Supreme Court exercising criminal jurisdiction within the same to cause such person to be kept in safe and proper custody, and, so soon as conveniently may be, to inquire of, try and determine such crime or offence, and upon conviction of the person so charged as aforesaid, to correct and punish him according to the laws in force in that behalf within such colony, in the same manner as if the said crime or offence had been committed within the jurisdiction of such Supreme Court: Provided always, that before any such person shall be sent for trial to any such colony as aforesaid, it shall be lawful for him to tender for examination to the judge, magistrate, or other officer of Her Majesty to whom the cognizance of the crime or offence with which he is charged may appertain, within the country or place where the same may be alleged to have been committed, any competent witness or witnesses, the evidence of whom he may deem material for his defence, and whom he may allege himself to be unable to produce at his trial in the said colony; and the said judge, magistrate, or other officer shall thereupon proceed in the examination and cross-examination of such witness or witnesses in the same manner as though the same had been tendered at a trial before such judge, magistrate, or other officer, and shall cause the evidence so taken to be reduced into writing, and shall transmit a copy of such evidence to the Supreme Court before which the trial of such person is to take place, together with a certificate under his hand and seal of the correctness of such copy; and thereupon it shall be lawful for the said Supreme Court, and it is hereby required, to allow so much of the evidence so taken as aforesaid as would have been admissible according to the law and practice of the said Supreme Court, had the said witness or witnesses been produced and examined at the trial before the said court, to be read and received as legal evidence at such trial: Provided also, that if it shall be made to appear at such trial, that the laws by which the person charged with any criminal act would have been tried had his trial taken place before a judge, magistrate, or other officer of Her Majesty in the country or place in which such act may be alleged to have been committed, vary from, or are



inconsistent with the laws in force within such colony, in respect either of the criminality of the act charged, or of the nature or degree of the alleged crime or offence, or of the punishment to be awarded for the same, such Supreme Court is hereby empowered and required to admit and give effect to the laws by which such person would have been so tried as aforesaid, so far as, but not further or otherwise than the same relate to the criminality of such act, or to the nature or degree of such crime or offence, or to the punishment thereof: Provided also, that nothing herein contained shall be construed to alter or repeal any law, statute, or usage by virtue of which any crime or offence committed out of Her Majesty's dominions might, at the time of the passing of this Act, be inquired of, tried, determined, and punished within Her Majesty's dominions, or any part thereof, but the same shall remain in full force and effect, anything herein contained to the contrary notwithstanding.

Nothing herein to alter any law respecting crimes committed out of Her Majesty's dominions.

V. And whereas it may likewise in certain cases be expedient that the sentences passed within such countries and places as aforesaid, at the trial of crimes and offences within the same, should be carried into effect within Her Majesty's dominions; Be it enacted, That if any offender shall have been sentenced to suffer death or imprisonment for or in respect of any crime or offence of which such offender shall have been lawfully convicted before any Judge, Magistrate, or other officer of Her Majesty within any such country or place as aforesaid, it shall be lawful for any person having authority derived from Her Majesty in that behalf, by warrant under his hand and seal, to cause such offender to be sent to any British colony, which Her Majesty may by any Order or Orders in Council from time to time appoint in that behalf, in order that the sentence so passed upon such offender may be carried into effect within the same; and the Magistrates, gaolers, and other officers to whom it may appertain to give effect to any sentence passed by the Supreme Court exercising criminal jurisdiction within such colony are hereby empowered and required to do all acts and things necessary to carry into effect the sentence so passed upon such offender, in the same manner as though the same had been passed by such Supreme Court.

Power to send convicts for execution or imprisonment to a British colony.

VI. And be it enacted, That if any offender shall have been ordered or sentenced to be transported beyond the seas by any Judge, Magistrate, or other officer of Her Majesty,

Power to transport convicts.

within any such country or place as aforesaid, or, having been adjudged to suffer death, shall have received Her Majesty's most gracious pardon, upon condition of transportation beyond the seas, it shall be lawful for any person having authority derived from Her Majesty in that behalf to cause such offender to be sent to any place beyond seas, to which convicts may at any time be lawfully transported from any part of Her Majesty's dominions, and, if there shall be no convenient means of transporting such offender without bringing him to England, to cause such offender to be brought to England in order to be transported, and to be imprisoned in any place of confinement provided under the authority of any law or statute relating to the transportation of offenders convicted in England, until such offender shall be transported, or shall become entitled to his liberty; and as soon as any such offender shall have arrived at the place to which he may be transported, or, if brought to England shall have been there imprisoned as aforesaid, all the provisions, rules, regulations, authorities, powers, penalties, matters, and things concerning the safe custody, confinement, treatment, and transportation of any offender convicted in Great Britain, shall extend and be construed to extend to such offender as fully and effectually, to all intents and purposes, as if such offender had been convicted and sentenced at any session of gaol delivery holden for any county in England.

Limitation  
of actions.

VII. And be it enacted, That if any suit or action shall be brought in any court within Her Majesty's dominions against any person or persons for anything done in pursuance of any such power or jurisdiction of Her Majesty as aforesaid or of this Act, then and in every such case such action or suit shall be commenced or prosecuted within six months after the fact committed, and not afterwards, except where the cause of action shall have arisen out of Her Majesty's dominions, and then within six months after the plaintiff or plaintiffs and defendant or defendants shall have been within the jurisdiction of the court in which the same may be brought; and the same and every such action or suit shall be brought in the country or place where the cause of action shall have arisen, and not elsewhere, except where the cause of action shall have arisen out of Her Majesty's dominions; and the defendant or defendants shall be entitled to the like notice, and shall have the like privilege of tendering amends to the plaintiff or plaintiffs, or their agent or attorney, as is

provided in actions brought against any Justice of the Peace for acts done in the execution of his office, by an Act passed in the twenty-fourth year of the reign of King George the Second, intituled "An Act for the rendering Justices of the Peace more safe in the Execution of their Office, and for indemnifying Constables and others acting in obedience to their warrants;" and the defendant or defendants in every such action or suit may plead the general issue, and give the special matter in evidence; and if the matter or thing complained of shall appear to have been done under the authority and in execution of any such power or jurisdiction of Her Majesty as aforesaid or of this Act, or if any such action or suit shall be brought after the time limited for bringing the same, or be brought and laid in any other country or place than the same ought to have been brought or laid in as aforesaid, then the jury shall find for the defendant or defendants; and if the plaintiff or plaintiffs shall become nonsuit, or discontinue any action after the defendant or defendants shall have appeared, or if a verdict shall pass against the plaintiff or plaintiffs, or if upon demurrer judgment shall be taken against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for recovery thereof as any defendant or defendants hath or have in any cases of law.

VIII. And be it enacted, That from and after the first day of October, in the year One thousand eight hundred and forty-four, so much of an Act passed in the sixth year of His late Majesty King George the Fourth, intituled "An Act to repeal certain Acts relating to the Governor and Company of Merchants of England trading to the Levant Seas, and the duties payable to them; and to authorise the transfer and disposal of the possessions and property of the said Governor and Company for the public service;" as provides, "that from and immediately after the enrolment of any such deed or instrument as therein mentioned, all such rights and duties of jurisdiction and authority over His Majesty's subjects resorting to the ports of the Levant, for the purposes of trade or otherwise, as were lawfully exercised or performed, or which the letters patent or Acts by the said Act recited, or any of them, authorised to be exercised or performed by any Consul or other officers appointed by the said Company, or which such Consuls or other officers lawfully exercised and performed under and by virtue of any power or

Repeal of  
sect. 4 of 6  
G. 4, c. 33,  
and of 6 and  
7 W. 4, c. 78.

authority whatever, should, from and after the enrolment of such deed or instrument as aforesaid, be and become vested in and should be exercised and performed by such Consuls and other officers respectively as His Majesty might be pleased to appoint for the protection of the trade of His Majesty's subjects in the ports and places respectively mentioned in the said letters patent and Acts, or any or either of them;" and also that from and after the passing of this Act an Act passed in the Parliament holden in the sixth and seventh years of His said late Majesty King William the Fourth, intituled "An Act to enable His Majesty to make Regulations for the better defining and establishing the Powers and Jurisdiction of His Majesty's Consuls in the Ottoman Empire," shall be and the same are hereby repealed, save as to any matter or thing theretofore done under the authority of the same respectively.

Act may be  
amended or  
repealed.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this session of Parliament.

INCLOSURE 2, IN NO. I.

*Order in Council respecting the exercise of Jurisdiction by Her Majesty's Consuls in Turkey in Civil Cases.*

At the Court of Windsor, the 2nd day of October, 1843.

*Present* :—The Queen's Most Excellent Majesty in Council.

WHEREAS by a certain Act of Parliament, made and passed in the session of Parliament holden in the sixth and seventh years of Her Majesty's reign, intituled "An Act to remove doubts as to the exercise of power and jurisdiction by Her Majesty within divers countries and places out of Her Majesty's dominions, and to render the same more effectual," it is amongst other things, enacted, that it is and shall be lawful for Her Majesty to hold, exercise, and enjoy any power or jurisdiction which Her Majesty now hath, or may at any time hereafter have, within any country or place out of Her Majesty's dominions, in the same and as ample a manner as if Her Majesty had acquired such power or jurisdiction by the cession or conquest of territory: and whereas Her Majesty hath power and jurisdiction in the dominions of the Sublime Ottoman Porte, and the same or certain parts thereof have heretofore been customarily exercised on behalf of Her Majesty by Her Majesty's Ambassadors and other officers resident within the said dominions; Her Majesty is pleased, by and with the advice of Her

Privy Council, to order, and it is hereby ordered, that Her Majesty's Ambassadors, Ministers, Chargés d'Affaires, Consuls-General, Consuls, and Vice-Consuls, resident within the said dominions, and being subjects of Her Majesty, shall, until further order, continue to exercise all such power and jurisdiction within the said dominions as have heretofore been customarily exercised by them, or any of them, or by the predecessors of them, or any of them, in the said offices; and that the said Ambassadors and other officers shall likewise, in the exercise of such power and jurisdiction as aforesaid, continue to observe, until further order, all such laws, usages, forms of procedure, and methods of enforcing obedience as have heretofore been customarily observed by them.

And the Right Honourable the Earl of Aberdeen, one of Her Majesty's principal Secretaries of State, is to give the necessary directions herein accordingly.

(Signed)

C. C. GREVILLE.

No. II.—*Circular to Her Majesty's Consuls in the Levant.*

Foreign Office, July 2, 1844.

SIR,—I transmit to you herewith an Order of Her Majesty in Council, conferring on Her Majesty's Consular officers in the Ottoman dominions, jurisdiction in cases wherein British subjects are accused of having committed crimes and offences within the said dominions, and over which Her Majesty hath jurisdiction. This Order, as you will observe, applies exclusively to matters of a criminal nature.

The Order in Council of October 2, 1843, transmitted to you on the 6th of that month, is still operative as regards the exercise of jurisdiction by Her Majesty's Consuls in Turkey in civil cases.

I also inclose a memorandum of instructions for your guidance in the exercise of the jurisdiction conferred upon you by the inclosed Order.

In addition to what is stated in this memorandum, I have merely to observe that you will bear in mind, that although you are empowered, under the circumstances stated in the Order in Council, to send out of the Turkish dominions a British subject who may have been twice convicted, it is not obligatory upon you to do so in every case of a second conviction. It is only when the character of the offender is such as to render his continuance in Turkey incompatible with the peace and good order of society, that you should resort to this extreme measure. You will therefore have to judge, upon each occasion of a second conviction, whether it is necessary or not to send the party out of the Ottoman dominions.

I send you a criminal register, and also a register in which the

names of all persons considered as British subjects are to be enrolled. You will be careful to keep these registers accurately; and in order to explain to you more fully the system which it is intended that you should observe, I enclose sheets of each, with the columns filled up by supposed cases.

I also send some blank sheets of the criminal register to be used by you in the periodical returns to be made to the Foreign office, as prescribed by the memorandum of instructions.

It will not be necessary that you should send home a copy of the register of British subjects, but on the 31st of December of each year you will report the numbers of persons enrolled as British subjects in that register.

I have in conclusion to state to you, that Her Majesty's Government expect and require that in the exercise of the extensive powers thus confided to you, you will strictly conform to the tenour of the instruments by which those powers are conferred. Her Majesty's Government will always be disposed to place the best construction upon your conduct, and will make all due allowance for any inaccuracies into which you may inadvertently fall; but the position in which you are now placed in regard to the exercise of criminal jurisdiction differs essentially from that in which you formerly stood, inasmuch as there is now a legal standard by which your proceedings are to be judged, and definite rules to which you are called upon to adhere.

When a period of six months from the commencement of the new system shall have elapsed, I should wish to receive from you a report as to the manner in which it works, together with any suggestions which experience may induce you to offer for any alterations which you may consider it would be advantageous to introduce.

I am, etc.,

(Signed)

ABERDEEN.

P.S.—In cases of joint British and Turkish jurisdiction, the Turkish magistrate, taking part in the decision, is to be specified in the table of remarks of the police register.

#### INCLOSURE 1 IN No. II.

*Order in Council conferring on Her Majesty's Consular Officers in the Ottoman Dominions Jurisdiction in Criminal Cases.*

At the Court at Buckingham Palace, the 19th day of June, 1844.

*Present* :—The Queen's Most Excellent Majesty in Council.

WHEREAS by a certain Act of Parliament made and passed in the session of Parliament holden in the sixth and seventh years of Her

Majesty's reign, intituled, "An Act to remove doubts as to the exercise of power and jurisdiction by Her Majesty within divers countries and places out of Her Majesty's dominions, and to render the same more effectual," it is, amongst other things, enacted, That it is and shall be lawful for Her Majesty to hold, exercise, and enjoy, any power or jurisdiction which Her Majesty now hath, or may at any time hereafter have, within any country or place out of Her Majesty's dominions, in the same and as ample a manner as if Her Majesty had acquired such power or jurisdiction by the cession or conquest of territory; and whereas Her Majesty hath power and jurisdiction in the dominions of the Sublime Ottoman Porte, and the same or certain parts thereof have heretofore been customarily exercised on behalf of Her Majesty by Her Majesty's Ambassadors and other Officers resident within the said dominions; and whereas Her Majesty was pleased, on the second day of October, One thousand eight hundred and forty-three, by and with the advice of Her Privy Council, to order that Her Majesty's Ambassadors, Ministers, *Chargés d'Affairs*, Consuls-General, Consuls, and Vice-Consuls, resident within the said dominions, and being subjects of Her Majesty, should, until further order, continue to exercise all such power and jurisdiction within the said dominions as have heretofore been customarily exercised by them, or any of them, or by the predecessors of them, or any of them, in the said offices; and that the said Ambassadors and other Officers should likewise, in the exercise of such power and jurisdiction as aforesaid, continue to observe, until further order, all such laws, usages, forms of procedure, and methods of enforcing obedience as have heretofore been customarily observed by them.

And whereas it is expedient, at the present time, to make further provision for the due exercise of the jurisdiction possessed by Her Majesty as aforesaid, in the dominions of the Sublime Ottoman Porte:

Now, therefore, in pursuance of the above-recited Act of Parliament, Her Majesty is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, that the above-recited Order of the second day of October, One thousand eight hundred and forty-three, in so far as it provided for the exercise of jurisdiction over British subjects charged with the commission of crimes and offences, shall be, and it is hereby revoked and cancelled, save and except as to all acts, matters, and things heretofore done under the said Order, or which may hereafter be done under the same, previously to the receipt of this Order by Her Majesty's Ambassador, Consuls, or other Officers respectively:

And, for the due exercise of the jurisdiction possessed by Her Majesty as aforesaid in the dominions of Sublime Ottoman Porte,



Her Majesty is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, that any act coming under Her Majesty's jurisdiction as aforesaid, and which being done in any part of Her Majesty's dominions would render the agent or his abettors amenable to punishment, shall, when done by British subjects within the dominions of the Sublime Ottoman Porte, be considered as criminal to the same extent, and shall be liable to be inquired of, tried, determined, and punished in the manner hereinafter prescribed: and it is further ordered, that Her Majesty's Consuls-General, Consuls, and Vice-Consuls resident within the dominions of the Sublime Ottoman Porte, and being subjects of Her Majesty, shall severally, in the districts within which they may respectively be appointed to reside, have and hold all necessary power and authority to inquire of all and all manner of crimes and offences by British subjects committed within the said dominions, and over which Her Majesty hath jurisdiction; and that the said Consuls-General, Consuls, and Vice-Consuls shall moreover have power and jurisdiction in the manner and within the limits hereinafter prescribed, to hold Consular Courts, and therein to try, determine, and punish all such crimes and offences as aforesaid; and, for the purposes aforesaid, it is ordered, that any of the Consuls-General, Consuls, and Vice-Consuls, resident within the dominions of the Sublime Ottoman Porte, shall have power and authority to cause to be apprehended and brought before him any British subject who may be charged with having committed any crime or offence as aforesaid within the dominions of the Sublime Ottoman Porte, and any such Consul-General, Consul, or Vice-Consul as aforesaid, shall thereupon proceed with all convenient speed to inquire of the same; and to that effect shall have power to examine, on oath, all witnesses who may appear before him to substantiate the charge, or, if such witnesses shall not be Christians, to examine them in the form most binding on their consciences; and shall have power to summon any persons, being British subjects, who may be competent to give evidence, and to enforce the attendance of such persons by a fine not exceeding twenty dollars; and shall examine all witnesses whatsoever in the presence and hearing of the person accused, and afford the accused person all reasonable facility for cross-examining all such witnesses; and, having reduced to writing the depositions of the witnesses, shall cause the same to be read over, and, if necessary, explained to the person accused, together with any other evidence that may have been urged against him during the course of the trial; and shall require such accused person to defend himself against the charge brought against him, and shall take the evidence of any witnesses whom the accused person may tender to be examined in his exculpation; and when the



case has been fully enquired of, and the innocence or guilt of the persons accused established, the Consul-General, Consul, or Vice-Consul, as the case may be, shall either discharge the person accused from custody if satisfied of his innocence, or proceed to pass sentence on him if convinced of his guilt: and it is hereby ordered, that it shall be lawful for any one of Her Majesty's Consuls-General, Consuls, and Vice-Consuls as aforesaid, having enquired of, tried, and determined, in the manner aforesaid, any charge which may be brought before him, to award any degree of punishment not exceeding imprisonment for three months, or a fine of one hundred dollars.

And it is further ordered, that if the crime whereof any person being a British subject may be accused before any of Her Majesty's Consuls-General, Consuls, or Vice-Consuls as aforesaid, shall appear to such Consul-General, Consul, or Vice-Consul, to be of such a nature as, if proved, would not be adequately punished by the infliction of such punishment as aforesaid, it shall be lawful for such Consul-General, Consul, or Vice-Consul, to summon two, or not more than four, British subjects of good repute, residing within his district, to sit with him as Assessors for inquiring of, trying, and determining the case or cases before the court; and the Consul-General, Consul, or Vice-Consul, who shall hold a court of criminal justice with the assistance of Assessors as aforesaid, shall, if he is himself convinced of the guilt of the party accused, have power to award any degree of punishment not exceeding imprisonment for twelve months, or a fine of 200 dollars; and the Assessors aforesaid shall have no authority to decide on the innocence or the guilt of the party accused, or on the amount of punishment to be awarded on conviction: but in the event of the said Assessors, or any of them, dissenting from the conviction of, or from the amount of punishment awarded to, the accused, the said Assessors, or any of them, shall be authorised to record on the minutes of the proceedings the grounds on which the said Assessors, or any of them, may so dissent; and in any such case the officer holding the court shall forthwith report to Her Majesty's Ambassador, Minister, or Chargé d'Affaires at the Sublime Ottoman Porte, the fact that such dissent has been so recorded on the minutes of the proceedings, and as soon as possible lay before such Ambassador, Minister, or Chargé d'Affaires copies of the whole of the depositions and proceedings, with the dissent of the Assessors recorded thereon; and it shall then be lawful for Her Majesty's Ambassador, Minister, or Chargé d'Affaires, by warrant under his hand and seal, addressed to the Consul-General, Consul, or Vice-Consul, by whom the case was tried, to mitigate or remit altogether the punishment awarded to the party accused; and such Consul-General, Consul, or Vice-Consul shall give immediate effect to the injunction of any such warrant: and it is

further ordered, that all fines prescribed as aforesaid, as well as all fines levied on witnesses being British subjects and refusing to attend and give evidence in a Consular Court, may be levied by distress, in pursuance of a warrant issued to that effect by the officer holding such court, and appropriated in the manner directed by Her Majesty's Principal Secretary of State for Foreign Affairs; and that the place of imprisonment shall be such as has heretofore been customarily used as such, or as may be appointed by Her Majesty's Ambassador, Minister, or Chargé d'Affaires at the Sublime Ottoman Porte, and approved by Her Majesty's Principal Secretary of State for Foreign Affairs.

And it is further ordered, that all proceedings in the Consular Courts held in virtue of this present order, shall be had as far as possible in conformity and correspondence with the proceedings which in like cases would be had according to the law and practice of England, regard being had to the difference of local circumstances and to the provisions of this order.

And it is further ordered, that the Consular Courts held in pursuance of this order, shall be Courts of Record; and that minutes of proceedings taken therein shall in all cases be drawn up and preserved with the depositions of the witnesses, and such minutes shall be signed by the officer holding the court, and shall, in cases where Assessors are present, be open for the inspection of such Assessors, and for their signature, if concurred in by them.

And it is further ordered, that in any case of assault it shall be lawful for the Consular Officer, before whom complaint is made, to promote reconciliation between the parties, and to suffer composition and amends to be made, and the proceedings thereby to be stopped.

And it is further ordered, that no Vice-Consul shall have power to award punishment unless holding a commission from Her Majesty, and any Vice-Consul not so commissioned, after having inquired of, tried, and determined any case of which he shall have had cognizance, in pursuance of this order, shall report his proceedings, and transmit the depositions to the Superior Consular Officer of his district, and such Superior Consular Officer shall have power to award punishment in the same manner as if the case had been inquired of, tried, and determined by himself.

And it is further ordered, that it shall be lawful for Her Majesty's Principal Secretary of State for Foreign Affairs to limit the extent to which any Consul-General, Consul, or Vice-Consul shall exercise jurisdiction over British subjects in criminal matters within the dominions of the Sublime Ottoman Porte, any thing in the present order contained notwithstanding.

And, in order more effectually to repress crimes and offences on the

part of British subjects in the dominions of the Sublime Ottoman Porte, it is hereby further ordered, that it shall and may be lawful for any of Her Majesty's Consuls-General, Consuls, or Vice-Consuls to cause any British subject who shall have been twice convicted of any crime and offence in the Consular Court, and who shall not be able to find good and sufficient surety to the satisfaction of Her Majesty's Consular Officer for his future good behaviour, to be sent out of the dominions of the Sublime Ottoman Porte, and to this end any such Consular Officer as aforesaid shall have power and authority, as soon as may be practicable after execution of the sentence on any second conviction, or at any time while such sentence is in execution, to send to the Island of Malta any native of that island, or of its dependencies, who may be so convicted as aforesaid, and be unable to find surety as aforesaid, and to send to Gibraltar any native of that place, and to send to England any other British subject; and to detain in custody any such person until a suitable opportunity for sending him out of the said dominions shall present itself: and any person to be sent out of the said dominions as aforesaid may be embarked on board one of Her Majesty's vessels of war, or if there should be no such vessel of war which can be employed for such purpose, then on board any Maltese or British vessel bound for Malta, Gibraltar, or England, as the case may be, in the same manner as if such person were a distressed British subject; and such person shall be disposed of, on his arrival in Malta, Gibraltar, or England, as a distressed British subject would be disposed of. But in all cases in which a British subject shall have been sent out of the dominions of the Sublime Ottoman Porte as aforesaid, the officer sending him out shall forthwith report his having so done to Her Majesty's Ambassador, Minister, or Chargé d'Affaires at the Sublime Ottoman Porte, and to Her Majesty's Principal Secretary of State for Foreign Affairs: and should any person so sent out of the dominions of the Sublime Ottoman Porte return to the said dominions without the sanction of Her Majesty's Ambassador, Minister, or Chargé d'Affaires, or of Her Majesty's Principal Secretary of State for Foreign Affairs, which sanction Her Majesty's Ambassador, Minister, or Chargé d'Affaires, or Principal Secretary of State for Foreign Affairs, shall severally have power to grant, he shall no longer be entitled to be protected as a British subject in the said dominions.

And whereas it is provided by the 42nd Article of the Capitulations between Great Britain and Turkey, "that in case any Englishman or other person navigating under their flag should happen to commit manslaughter, or any other crime, or be thereby involved in a law-suit, the Governors in our sacred dominions shall not proceed to the cause until the Ambassador or Consul shall be present, but they shall hear

and decide it together, without their presuming to give them any the least molestation by hearing it alone, contrary to the holy law and these Capitulations," Her Majesty is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, that Her Majesty's Consuls-General, Consuls, or Vice-Consuls as aforesaid, shall in any such case of joint jurisdiction as aforesaid be competent to act, and shall act in the same on the part of Her Majesty : and it is hereby further ordered, that it shall be lawful for them, or any of them, to deal with any British subject who may have been twice convicted in any such court of joint jurisdiction, or who may have been once convicted in a Consular Court, and once in a court of joint jurisdiction as aforesaid, in the same manner as if such British subject had been twice convicted in a Consular Court.

And it is further ordered, that any person acting temporarily and with the approval of Her Majesty's Principal Secretary of State for Foreign Affairs, as Her Majesty's Consul-General, Consul, or Vice-Consul, shall be competent to do all things which, by the present order, Her Majesty's Consuls-General, Consuls, or Vice-Consuls are empowered to do, notwithstanding that such person so acting as aforesaid shall not hold a commission from Her Majesty.

And it is further ordered, that all British subjects now residing within the dominions of the Sublime Ottoman Porte shall, after reasonable public notice to that effect has been given by the British Consular Officer within whose district they may be residing, enrol themselves in a register to be kept by such Consular Officer ; and that every British subject hereafter arriving at any place within the said dominions wherein a British Consular Office is maintained, saving and except any British subject borne on the muster-roll of any British ship arriving in the ports of Turkey, shall, within a reasonable period after his arrival, enrol himself in such register to be kept as aforesaid, and any British subject who shall refuse or neglect so to enrol himself, and shall not be able to excuse to the satisfaction of the consular officer his refusal or neglect, shall not be entitled to require to be recognised or protected as a British subject in any difficulties whatsoever in which he may be involved within the dominions of the Sublime Ottoman Porte.

And it is further ordered, that no fee or remuneration whatsoever shall be demanded or received by any British consular officer for or on account of the enrolment of any British subject in the register aforesaid, and that a notification of the period within which such enrolment must be effected shall be exhibited in some conspicuous place in the Consular Office.

And in further exercise of the powers in Her Majesty vested by the

Act of Parliament above recited, Her Majesty is pleased, by and with the advice of Her Privy Council, to appoint the Island of Malta as the British colony wherein crimes and offences committed by British subjects within the dominions of the Sublime Ottoman Porte, which it may be expedient shall be inquired of, tried, determined, and punished within Her Majesty's dominions, shall be so inquired of, tried, determined, and punished, and that Her Majesty's Consuls-General, Consuls, and Vice-Consuls, resident within the said dominions, and being subjects of Her Majesty, shall have authority to cause any British subject charged with the commission of any crime or offence, the cognizance whereof may at any time appertain to them, or any of them, to be sent for trial to the said Island of Malta.

And the Right Honourable the Earl of Aberdeen, and the Right Honourable Lord Stanley, two of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

(Signed) Wm. L. BATHURST.

INCLOSURE 2, IN NO. II.

*Memorandum for the guidance of Her Majesty's Consular Servants in the Levant, with reference to the exercise of Jurisdiction under the Order in Council.*

Foreign Office, July 2, 1844.

IN transmitting to Her Majesty's Consular Servants in the Ottoman dominions the accompanying Order in Council, by which the nature of the jurisdiction in matters of a criminal nature conferred upon them in pursuance of the powers vested in Her Majesty by the Act of the 6th and 7th Victoria, c. 94, commonly called the "Foreign Jurisdiction Act," is defined, and the manner in which such jurisdiction is to be exercised by them, pointed out, the Secretary of State desires to call their particular attention to the following observations:

The right of British Consular Officers to exercise any jurisdiction in Turkey in matters which in other countries come exclusively under the control of the local magistracy, depends originally on the extent to which that right has been conceded by the Sultans of Turkey to the British Crown, and therefore the right is strictly limited to the terms in which the concession is made.

The right depends, in the next place, on the extent to which the Queen, in the exercise of the powers vested in Her Majesty by Act of Parliament, may be pleased to grant to any of Her Consular Servants authority to exercise jurisdiction over British subjects, and therefore the Orders in Council which may from time to time be issued are the

only warrants for the proceedings of the Consuls, and exhibit the rules to which they must scrupulously adhere.

This state of things in Turkey is an exception to the system universally observed among Christian nations. But the Ottoman emperors having waived in favour of Christian Powers rights inherent in territorial sovereignty, such Christian Powers, in taking advantage of this concession, are bound to provide as far as possible against any injurious effects resulting from it to the territorial sovereign; and as the maintenance of order and the repression of crime are objects of the greatest importance in every civilized community, it is obligatory upon the Christian Powers, standing as they do in Turkey, in so far as their own subjects are concerned, in the place of the territorial sovereign, to provide as far as possible for these great ends.

The present Order in Council has been issued for this purpose. But it is essential that Her Majesty's Consular Officers in Turkey should bear in mind that in conferring upon them powers of jurisdiction of such a comprehensive and unusual character, Her Majesty's Government do not desire that those powers should be needlessly or lightly employed: and that, on the contrary, whenever differences can be adjusted in a conciliatory manner, such a termination should be promoted and recommended; and that whenever crimes are to be punished, certain and speedy, rather than severe, punishment is to be preferred.

The Consuls will observe that three courses of proceeding are prescribed by the Order in Council, viz.:—a summary decision; a decision with the assistance of assessors chosen from the British community; and recourse to the criminal tribunal of Malta.

The object for which the jurisdiction is to be exercised renders it unnecessary to deal with crimes according to the strict definitions of British law, even if the means at the disposal of the Consuls, and the extent of legal knowledge which they can be expected to possess, admitted of such a course.

The utmost that it appears necessary to attempt in this respect is, that a rule should be laid down that an action which would be criminal in the British dominions shall be equally considered as criminal in Turkey. But in dealing with such criminal actions regard must be had to local circumstances and necessities. In the British dominions, many crimes, unimportant in themselves, must be dealt with, in consequence of the denomination by which they are distinguished, in the same formal manner as crimes of a more serious description. An insignificant theft must in most cases be submitted to the decision of a jury equally with the most extensive robbery. But this rule need not be adhered to in the Consular Courts in Turkey. There all crimes

of a trifling kind, under whatever legal denomination they may be classed, may safely be disposed of summarily by the Consul, and sufficiently atoned for by punishment within the limits prescribed by the Order in Council for the sole jurisdiction of the Consul: while crimes of a more serious kind must be reserved for adjudication by the Consul in a tribunal more formally constituted by the presence of Assessors.

But in order to provide the means of dealing with crimes which may be too serious even for this more formal tribunal to decide upon, the Island of Malta has been appointed as the place of trial for offences committed by British subjects in the Ottoman dominions.

It is the intention of Her Majesty's Government, that in all places where two or more Consular Officers are residing, the senior Consular Officer shall hold the Consular Courts established by the present Order in Council, unless he should for some reasonable cause be temporarily incapacitated from so doing; and that as little time as circumstances will admit should in all cases intervene between the apprehension of a party and the hearing and decision of the charge brought against him.

In selecting Assessors, the Consular Officer will proceed in the same manner as has heretofore been practised in regard to the selection of Assessors for hearing causes not of a criminal nature. Her Majesty's Government have thought it is not necessary to impose a legal obligation upon the members of the British community to sit as Assessors when summoned by the Consular Officer, because they perfectly rely upon the good feeling of the respectable portion of the British community in the Levant prompting them zealously to co-operate with Her Majesty's servants, in carrying out a system, in the success of which it is so deeply interested, and which, if it should fail of execution, might be attended with very serious consequences to the security of the persons and properties of British subjects in general. For if Her Majesty's Government are obliged to abandon any attempt to place British jurisdiction in Turkey on a sound footing, the Porte may reasonably require that a jurisdiction shall be renounced which is not enforced, but the nominal existence of which is incompatible with the security of the society at large.

With regard to the question of sending criminals to Malta for trial, it is the intention of Her Majesty's Government that, in the first instance at least, that course should only be taken with criminals charged with murder; and even in such cases the depositions taken by the Consuls must be first transmitted to the Governor of Malta, in order that he may ascertain whether, in the opinion of the legal authorities of that island, there is a reasonable probability of obtaining



a conviction. And the Consuls must further bear in mind, that the personal appearance of witnesses for the prosecution will in all cases be required by the Court of Malta; and that, therefore, they must arrange with witnesses to proceed to Malta, on payment of their expenses. With regard to evidence for the defence the case is different, and the Consuls will pay the strictest attention to the provision of the fourth section of the Act of the 6th and 7th Vict. cap. 94, on this point.

The Consuls will keep a police report in the form herewith transmitted to them, and will deliver to the Ambassador, on his requisition, a copy of the whole, or any portion thereof: and on the 31st December of each year, a copy of the proceedings in the whole year must be sent to the Foreign Office.

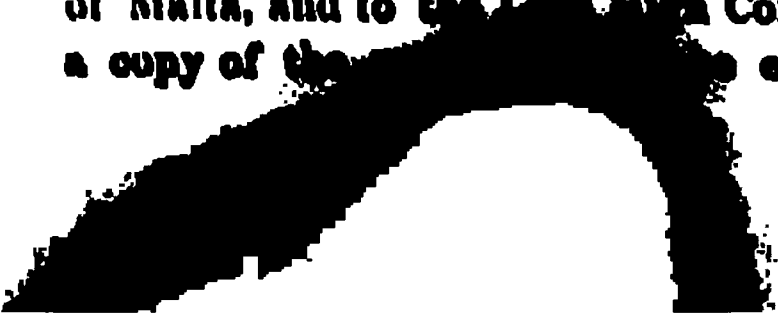
In all cases which may be heard and determined in the Consular Courts under the present Order, the Consular Officer is solely responsible; and no directions from Her Majesty's Representatives at Constantinople will relieve the Consuls from any share of this responsibility.

Her Majesty's Consuls will forthwith report upon the means at their disposal for executing sentences of imprisonment, and on the practice which they have hitherto observed in this respect; and in the meanwhile they are enjoined, whenever recourse is had to the prisons of the country, to arrange with the local authorities, that any British prisoner who may be confined therein may be visited daily by any person appointed by the Consuls, and, if necessary, by a medical officer deputed for that purpose.

Provision has been made in the Order that all fines shall be appropriated in the manner directed by Her Majesty's Principal Secretary of State for Foreign Affairs. Her Majesty's Consuls are accordingly directed to retain in their hands, on behalf of Her Majesty's Government, the produce of all fines, and to render an account on the 31st of December of each year, to the Secretary of State for Foreign Affairs, of the amount received during the year, and of the total balance in their hands; upon which instructions will be sent to them as to the manner in which the money is to be appropriated.

The Order in Council applies to British subjects only; but the Ionian legislature will be moved to pass a corresponding enactment; and in the meanwhile the Consuls will deal with Ionian citizens in the same manner as they are in the habit of dealing with British subjects, except in so far as regards the transfer of them to Malta for trial.

The Consuls will communicate to this Department, to the Governor of Malta, and to the Lord High Commissioner of the Ionian Islands, a copy of the ~~proceedings~~ exhibited in their Consular Offices





as to the period within which British subjects arriving in the respective districts shall enroll themselves. The principal object of the register being, however, to facilitate the exercise of control over British subjects of bad or doubtful character, Her Majesty's Consuls must carefully avoid exposing respectable parties to unnecessary vexation in this respect: and Her Majesty's Consuls will moreover insert in the register, on the requisition of Her Majesty's Ambassador, the names of any British subjects not previously enrolled.

(Signed)

ABERDEEN.

## No. III.

*Circular to Her Majesty's Consuls in Turkey.*

Foreign Office, July 3, 1844.

Sir,—I have to instruct you to transmit to this Office, without loss of time, a return showing the number of civil suits in which you have been called to adjudicate in the first instance during each of the last three years, the nature of each suit, your decision, and whether your decision was acquiesced in by the parties, or appealed against. Also a return, showing, as far as you are able to do so, the number of civil suits in which British plaintiffs residing within your district have, during the same periods, had occasion to resort to the Consular Courts of other European Powers.

And a similar return of cases in which Turkish parties, plaintiffs or defendants, have in civil suits submitted to jurisdiction of your Court.

I am, etc.,

(Signed)

ABERDEEN.

P.S.—The returns are to be made according to the enclosed Form.

Form 1.

British Consulate at \_\_\_\_\_.

Return of Civil Suits in the Year \_\_\_\_\_, in which the Defendants were under British Protection.

No.	Date of first Proceedings.	Name and Nationality of Plaintiff.	Name of Defendant.	Nature of Suit.	Judgment.	Appeal.
1	January 1	A. B., Austrian	C. D.	Debt	For the Plaintiff	None.
2	" 3	A. B., British	C. D.	Breach of Contract	For the Defendant	Notice given.
3	" 5	... ..	A. B.	Bankruptcy	... ..	... ..

Form 2.

British Consulate at \_\_\_\_\_.

Return of Civil Suits in the Year \_\_\_\_\_, in which the Plaintiffs only were under British Protection.

No.	Date of first Proceedings.	Name of Plaintiff.	Name and Nationality of Defendant.	Nature of Suit.	Judgment.	Appeal.	Court of Appeal.
1	January 1	A. B.	C. D., Austrian	Debt	For Defendant	Notice given	Internuncio.
2	" 3	A. B.	C. D., Austrian	Breach of Contract	For Plaintiff	Notice given	Civil Court at Odessa.
3	" 5	A. B.	C. D., Sardinian	Debt	For Plaintiff	None.	... ..

FORM 3.

British Consulate at \_\_\_\_\_,  
Return of Civil Suits in the Year \_\_\_\_\_, in which Ottoman Parties in their differences with Parties  
under British Protection have submitted to British Jurisdiction.

No.	Date of first Proceedings.	Name and Nationality of Plaintiff.	Name and Nationality of Defendant.	Nature of Suit.	Judgment.	Appeal.
1	January 1	A. B., British	C. D., Ottoman	Debt	Plaintiff	Notice given.
2	" 3	A. B., Ottoman	C. D., British	Breach of Contract	Plaintiff	None.
3	" 5	A. B., Ottoman	C. D., British	Fraud	Defendant	Notice given.

FORM 4.

British Consulate General at \_\_\_\_\_.  
Return of Appeals from the Decisions of Consular Courts in Civil Suits, in the Year \_\_\_\_\_.

No.	Date of Appeal.	From what Court.	Name and Nationality of Appellant.	Name and Nationality of Respondent.	Nature of Suit.	Judgment.	Further Appeal.
1	January 1	Consulate at Smyrna	A. B., English	C. D., British	Debt	For Appellant	Notice given.
2	" 3	Consulate at Brussa	A. B., French	C. D., British	Fraud	For Appellant	None.
3	" 5	Consulate at Smyrna	A. B., British	C. D., British	Breach of Contract	For Respondent	Notice given.

TURKEY.

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**CAPITULATIONS AND ARTICLES OF PEACE BETWEEN GREAT BRITAIN AND THE OTTOMAN EMPIRE, AS AGREED UPON, AUGMENTED, AND ALTERED AT DIFFERENT PERIODS, AND FINALLY CONFIRMED BY THE TREATY OF PEACE, CONCLUDED AT THE DARDANELLES, IN 1809.**

**“SULTAN MEHEMED, may he live for ever !**

**“ ‘ Let everything be observed in conformity to these Capitulations, and contrary thereto let nothing be done.’**

**“ The command under the sublime and lofty signet, which imparts sublimity to every place, and under the imperial and noble Cypher, whose glory is renowned throughout all the world, by the Emperor and Conqueror of the earth, achieved with the assistance of the Omnipotent, and by the special grace of God, is this :**

**“ We, who by Divine grace, assistance, will, and benevolence, now are the King of kings of the world, the Prince of Emperors of every age, the Dispenser of Crowns to monarchs, and the champion Sultan Mehemed, son of Sultan Ibrahim Chan, son of Sultan Ahmed Chan, son of Sultan Mahomet Chan, son of Sultan Murad Chan, son of Selim Chan, son of Sultan Solyman Chan, son of Sultan Selim Chan.**

**“ The most glorious amongst the great Princes professing the faith of Jesus, and the most conspicuous amongst the Potentates of the nation of the Messiah, and the umpire of public differences that exist between Christian nations, clothed with the mantle of magnificence and majesty, Charles the Second, King of England, Scotland, and France and Ireland (whose end terminate in bliss !) having sent an Ambassador to the Sublime Porte in the time of our grandfather, Sultan Murad (whose tomb be ever resplendent !) of glorious memory and full of Divine mercy and pity, with professions of friendship, sincerity, devotion, partiality, and benevolence, and demanding that His subjects might be at liberty to come and go into these parts, which permission was granted to them in the reign of the monarch aforesaid, in addition to various other special commands, to the end that on coming and going, either by land or sea, in their way, passage, and lodging, they might not experience any molestation or hindrance from any one.**

**“ He represented, in the reign of our grandfather, Sultan Mehmed Chan (whose tomb be ever resplendent !) to our just and overshadowing Porte, His cordial esteem, alliance, sincere friendship, and partiality thereto : As such privilege, therefore, had been granted to the kings and sovereigns of France, Venice, and Poland, who profess the**

most profound devotion for our most eminent throne, and to others between whom and the Sublime Porte there exists a sincere amity and good understanding; so was the same, through friendship, in like manner granted to the said King; and it was granted Him that His subjects and their interpreters might safely and securely come and trade in these our sacred dominions.

“The Capitulations of sublime dignity and our noble commands having been, through friendship, thus granted to the Kings aforesaid, and the Queen of the abovementioned Kingdoms having heretofore also sent a noble personage with presents to this victorious Porte, which is the refuge and retreat of the Kings of the world, the most exalted place, and the asylum of the Emperors of the universe (which gifts were graciously accepted), and She having earnestly implored the privilege in question, Her entreaties were acceded to, and these our high commands conceded to Her.

“1st. That the English nation and merchants, and all other merchants sailing under the English flag, with their ships and vessels, and merchandise of all descriptions, shall and may pass safely by sea, and go and come into our dominions without any the least prejudice or molestation being given to their persons, property, or effects, by any person whatsoever, but that they shall be left in the undisturbed enjoyment of their privileges, and be at liberty to attend to their affairs.

“2nd. That if any of the English coming into our dominions by land, be molested or detained, such persons shall be instantly released without any further obstruction being given to them.

“3rd. That English ships and vessels entering the ports and harbours of our dominions shall and may at all times safely and securely abide and remain therein, and at their free will and pleasure depart therefrom, without any opposition or hindrance from any one.

“4th. That if it shall happen that any of their ships suffer by stress of weather, and not be provided with necessary stores and requisites, they shall be assisted by all who happen to be present, whether the crews of our imperial ships, or others, both by sea and land.

“5th. That being come into the ports and harbours of our dominions they shall and may be at liberty to purchase at their pleasure, with their own money, provisions and all other necessary articles, and to provide themselves with water, without interruption or hindrance from any one.

“6th. That if any of their ships be wrecked upon any of the coasts of our dominions, all Beys, Cadis, Governors, Commandants, and others our servants, who may be near or present, shall give them all help, protection, and assistance, and restore to them whatsoever goods and effects may be driven ashore; and in the event of any plunder

being committed, they shall make diligent search and inquiry to find out the property, which, when recovered, shall be wholly restored to them.

“7th. That the merchants, interpreters, brokers, and others of the said nation, shall and may, both by sea and land, come into our dominions, and there trade with the most perfect security; and in coming and going, neither they nor their attendants shall receive any the least obstruction, molestation, or injury, either in their persons or property, from the Beys, Cadis, sea-captains, soldiers, and others, our slaves.

“8th. That, if an Englishman, either for his own debt, or as surety for another, shall abscond, or become bankrupt, the debt shall be demanded from the real debtor only; and unless the creditor be in possession of some security given by another, such person shall not be arrested, nor the payment of such debt be demanded of him.

“9th. That in all transactions, matters and business occurring between the English, and merchants of the countries to them subject, their attendants, interpreters, and brokers, and other persons in our dominions, with regard to sales and purchases, credits, traffic, or security, and all other legal matters, they shall be at liberty to repair to the judge, and there make a hoget, or public authentic act, with witness, and register the suit, to the end that if in future any difference or dispute shall arise, they may both observe the said register and hoget; and when the suit shall be found conformable thereto, it shall be observed accordingly. Should no such hoget, however, have been obtained from the judge, and false witnesses only are produced, their suit shall not be listened to, but justice be always administered according to the legal hoget.

“10th. That if any shall calumniate an Englishman, by asserting that he hath been injured by him, and producing false witnesses against him, our judges shall not give ear to them, but the cause shall be referred to his Ambassador, in order to his deciding the same, and that he may always have recourse to his protection.

“11th. That if an Englishman having committed an offence, shall make his escape, no other Englishman, not being security for him, shall under such pretext, be taken or molested.

“12th. That if an Englishman, or subject of England, be found to be a slave in our states, and be demanded by the English Ambassador or Consul, due inquiry and examination shall be made into the causes thereof, and such person being found to be English, shall be immediately released, and delivered up to the Ambassador or Consul.

“13th. That all Englishmen and subjects of England, who shall dwell or reside in our dominions, whether they be married or single, artisans or merchants, shall be exempt from all tribute.

Act of Parliament above recited, Her Majesty is pleased, by and with the advice of Her Privy Council, to appoint the Island of Malta as the British colony wherein crimes and offences committed by British subjects within the dominions of the Sublime Ottoman Porte, which it may be expedient shall be inquired of, tried, determined, and punished within Her Majesty's dominions, shall be so inquired of, tried, determined, and punished, and that Her Majesty's Consuls-General, Consuls, and Vice-Consuls, resident within the said dominions, and being subjects of Her Majesty, shall have authority to cause any British subject charged with the commission of any crime or offence, the cognizance whereof may at any time appertain to them, or any of them, to be sent for trial to the said Island of Malta.

And the Right Honourable the Earl of Aberdeen, and the Right Honourable Lord Stanley, two of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

(Signed) Wm. L. BATHURST.

INCLOSURE 2, IN No. II.

*Memorandum for the guidance of Her Majesty's Consular Servants in the Levant, with reference to the exercise of Jurisdiction under the Order in Council.*

Foreign Office, July 2, 1844.

IN transmitting to Her Majesty's Consular Servants in the Ottoman dominions the accompanying Order in Council, by which the nature of the jurisdiction in matters of a criminal nature conferred upon them in pursuance of the powers vested in Her Majesty by the Act of the 6th and 7th Victoria, c. 94, commonly called the "Foreign Jurisdiction Act," is defined, and the manner in which such jurisdiction is to be exercised by them, pointed out, the Secretary of State desires to call their particular attention to the following observations:

The right of British Consular Officers to exercise any jurisdiction in Turkey in matters which in other countries come exclusively under the control of the local magistracy, depends originally on the extent to which that right has been conceded by the Sultans of Turkey to the British Crown, and therefore the right is strictly limited to the terms in which the concession is made.

The right depends, in the next place, on the extent to which the Queen, in the exercise of the powers vested in Her Majesty by Act of Parliament, may be pleased to grant to any of Her Consular Servants authority to exercise jurisdiction over British subjects, and therefore the Orders in Council which may from time to time be issued are the

only warrants for the proceedings of the Consuls, and exhibit the rules to which they must scrupulously adhere.

This state of things in Turkey is an exception to the system universally observed among Christian nations. But the Ottoman emperors having waived in favour of Christian Powers rights inherent in territorial sovereignty, such Christian Powers, in taking advantage of this concession, are bound to provide as far as possible against any injurious effects resulting from it to the territorial sovereign; and as the maintenance of order and the repression of crime are objects of the greatest importance in every civilized community, it is obligatory upon the Christian Powers, standing as they do in Turkey, in so far as their own subjects are concerned, in the place of the territorial sovereign, to provide as far as possible for these great ends.

The present Order in Council has been issued for this purpose. But it is essential that Her Majesty's Consular Officers in Turkey should bear in mind that in conferring upon them powers of jurisdiction of such a comprehensive and unusual character, Her Majesty's Government do not desire that those powers should be needlessly or lightly employed: and that, on the contrary, whenever differences can be adjusted in a conciliatory manner, such a termination should be promoted and recommended; and that whenever crimes are to be punished, certain and speedy, rather than severe, punishment is to be preferred.

The Consuls will observe that three courses of proceeding are prescribed by the Order in Council, viz.:—a summary decision; a decision with the assistance of assessors chosen from the British community; and recourse to the criminal tribunal of Malta.

The object for which the jurisdiction is to be exercised renders it unnecessary to deal with crimes according to the strict definitions of British law, even if the means at the disposal of the Consuls, and the extent of legal knowledge which they can be expected to possess, admitted of such a course.

The utmost that it appears necessary to attempt in this respect is, that a rule should be laid down that an action which would be criminal in the British dominions shall be equally considered as criminal in Turkey. But in dealing with such criminal actions regard must be had to local circumstances and necessities. In the British dominions, many crimes, unimportant in themselves, must be dealt with, in consequence of the denomination by which they are distinguished, in the same formal manner as crimes of a more serious description. An insignificant theft must in most cases be submitted to the decision of a jury equally with the most extensive robbery. But this rule need not be adhered to in the Consular Courts in Turkey. There all crimes



of a trifling kind, under whatever legal denomination they may be classed, may safely be disposed of summarily by the Consul, and sufficiently atoned for by punishment within the limits prescribed by the Order in Council for the sole jurisdiction of the Consul: while crimes of a more serious kind must be reserved for adjudication by the Consul in a tribunal more formally constituted by the presence of Assessors.

But in order to provide the means of dealing with crimes which may be too serious even for this more formal tribunal to decide upon, the Island of Malta has been appointed as the place of trial for offences committed by British subjects in the Ottoman dominions.

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In selecting Assessors, the Consular Officer will proceed in the same manner as has heretofore been practised in regard to the selection of Assessors for hearing causes not of a criminal nature. Her Majesty's Government have thought it is not necessary to impose a legal obligation upon the members of the British community to sit as Assessors when summoned by the Consular Officer, because they perfectly rely upon the good feeling of the respectable portion of the British community in the Levant prompting them zealously to co-operate with Her Majesty's servants, in carrying out a system, in the success of which it is so deeply interested, and which, if it should fail of execution, might be attended with very serious consequences to the security of the persons and properties of British subjects in general. For if Her Majesty's Government are obliged to abandon any attempt to place British jurisdiction in Turkey on a sound footing, the Porte may reasonably require that a jurisdiction shall be renounced which is not enforced, but the nominal existence of which is incompatible with the security of the society at large.

With regard to the question of sending criminals to Malta for trial, it is the intention of Her Majesty's Government that, in the first instance at least, that course should only be taken with criminals charged with murder; and even in such cases the depositions taken by the Consuls must be first transmitted to the Governor of Malta, in order that he may ascertain whether, in the opinion of the legal authorities of that island, there is a reasonable probability of obtaining

transport them to another port, the commandants or governors shall not, on the landing of such merchandise, exact from them any new custom or duty thereon, but shall suffer them freely and unrestrictedly to trade, without any molestation or obstruction whatsoever.

“32nd. That no excise or duty on animal food, shall be demanded of the English, or any subjects of that nation.

“33rd. That differences and disputes having heretofore arisen between the Ambassadors of the Queen of England and King of France, touching the affair of the Flemish merchants, and both of them having presented memorials at our Imperial stirrup, praying that such of the said merchants as should come into our sacred Dominions might navigate under their flag, hattisheriffs were granted to both parties; but the Captain Pacha, Siran, the son of Cigala, now deceased, who was formerly Vizier, and well versed in maritime affairs, having represented that it was expedient that such privilege should be granted to the Queen of England, and that the Flemish merchants should place themselves under her flag, as also the merchants of the four provinces of Holland, Zealand, Friesland, and Guelderland, and all the other Viziers being likewise of opinion that they should all navigate under the Queen's flag, and, like all the other English, pay the Consulage and other duties, as well on their own merchandise as on those of others loaded by them in their ships, to the Queen's Ambassadors or Consuls; it was by express order and imperial authority, accordingly commanded, that the French Ambassador or Consul should never hereafter oppose or intermeddle herein, but in future act conformably to the tenour of the present Capitulation.

“After which, another Ambassador arrived from the said Queen, with the gifts and presents sent by Her, which being graciously accepted, the said Ambassador represented that the Queen desired that certain other privileges might be added to the Imperial Capitulations, whereof he furnished a list; one of which was, that certain Capitulations having been granted in the days of our grandfather, of happy memory (whose tomb be ever blessed!) to the end that the merchants of Spain, Portugal, Ancona, Sicily, Florence, Catalonia, Flanders, and all other merchant-strangers, might come and go to our sacred Dominions and manage their trade, it was stipulated, in such Capitulations, that they should be at liberty to appoint Consuls; but each nation being unable to defray the charge and maintenance of a Consul, they were left at liberty to place themselves under the flag of any of the Kings in peace and amity with the Sublime Porte, and to have recourse to the protection of any of their Consuls, touching which privilege divers commands and Capitulations were repeatedly granted, and the said merchants, having by virtue thereof, chosen to navigate

under the English flag, and to have recourse in our harbours to the protection of the English Consuls, the French Ambassadors contended that the said merchant-strangers were entitled to the privilege of their Capitulations, and forced them to have recourse in all ports to their Consuls, which being represented by the said nations to our august Tribunal, and their cause duly heard and decided, they were for a second time, left to their free choice, when again having recourse to the protection of the English Ambassadors and Consuls, they were continually molested and opposed by the French Ambassadors, which being represented by the English, with a request that we would not accept the articles added to the French Capitulations respecting the nations of merchant-strangers, but that it should be again inserted in the Capitulations, that the said nations should, in the manner prescribed, have recourse to the protection of the English Consuls, and that hereafter they should never be vexed or molested by the French on this point; it was by the Imperial authority accordingly commanded, that the merchants of the countries aforesaid should, in the manner prescribed, have recourse to the protection of the English Ambassadors and Consuls, conformably to the Imperial commands to them conceded, and which particular was again registered in the Imperial Capitulations, viz., that there should never be issued any commands, contrary to the tenour of these Capitulations, which might tend to the prejudice or breach of our sincere friendship and good understanding; but that on such occasions the cause thereof should first be certified to the Ambassador of England residing at our Sublime Porte, in order to his answering and objecting to anything that might tend to a breach of the articles of peace.

“34th. That the English merchants and other subjects of that nation, shall and may, according to their condition, trade at Aleppo, Egypt, and other ports of our sacred Dominions, on paying (according to the ancient custom) a duty of three per cent. on all their merchandise, without being bound to the disbursement of an asper more.

“35th. That in addition to the duty hitherto uniformly exacted on all merchandise, laden, imported, and transported in English ships, they shall also pay the whole of the Consulage to the English Ambassadors and Consuls.

“36th. That the English merchants, and all others sailing under their flag, shall and may unrestrictedly, trade and purchase all sorts of merchandise (prohibited commodities alone excepted), and convey them either by land or sea, or by the way of the river Tanais, to the countries of Muscovy or Russia, and bring back from thence other merchandise into our sacred Dominions for the purposes of traffic, and also transport others to Persia and other conquered countries.

“37th. That such Customs only shall be demanded on the said goods in the conquered countries as have always been received there, without anything more being exacted.

“38th. That should the ships bound for Constantinople be forced by contrary winds to put into Caffa, or any other place of those parts, and not be disposed to buy or sell anything, no one shall presume forcibly to take out or seize any part of their merchandise, or give to the ships or crews any molestation, or obstruct the vessels that are bound to those ports; but our governors shall always protect and defend them, and all their crews, goods, and effects, and not permit any damage or injury to be done to them; and should they be desirous of purchasing, with their own money, any provisions in the places where they may happen to be, or of hiring any carts or vessels (not before hired for others) for the transportation of their goods, no one shall hinder or obstruct them therein.

“39th. That Customs shall not be demanded or taken on the merchandise brought by them in their ships to Constantinople, or any other port of our sacred Dominions, which they shall not, of their own free will, land with a view to sale.

“40th. That on their ships arriving at any port, and landing their goods and merchandises, they shall and may, after having paid their duties, safely and securely depart, without experiencing any molestation or obstruction from any one.

“41st. That English ships coming into our sacred Dominions, and touching at the ports of Barbary and of the Western Coast, used oftentimes to take on board pilgrims and other Turkish passengers, with the intention of landing them at Alexandria, and other ports of our sacred dominions; on their arrival at which ports the commandants and governors demanded of them Customs on the whole of their goods before they were landed, by reason of which outrage they have forbore receiving on board any more pilgrims; the more so, as they were forced to take out of the ships that bound to Constantinople the merchandise destined for other places, besides exacting the duties on those that were not landed: all English ships, therefore, bound to Constantinople, Alexandria, Tripoli of Syria, Scanderoon, or other ports of our sacred Dominions, shall, in future, be bound to pay duties, according to custom, on such goods only as they shall, of their own free will, land with a view to sale; and for such merchandise as they shall not discharge, no custom or duty shall be demanded of them, neither shall the least molestation or hindrance be given to them, but they shall and may freely transport them wherever they please.

“42nd. That in case any Englishman, or other person navigating under their flag, should happen to commit manslaughter, or any other

crime, or be thereby involved in a lawsuit, the governors in our sacred Dominions shall not proceed to the cause until the Ambassador or Consul shall be present, but they shall hear and decide it together, without their presuming to give them any the least molestation, by hearing it alone, contrary to the holy law and these Capitulations.

“43rd. That notwithstanding it is stipulated by the Imperial Capitulations that the merchandise laden on board all English ships proceeding to our sacred Dominions shall moreover pay Consulage to the Ambassador or Consul, for those goods on which customs are payable, certain Mahometan merchants, Sciotes, Franks, and ill-disposed persons object to the payment thereof; wherefore it is hereby commanded that all the merchandise, unto whomsoever belonging, which shall be laden on board their ships, and have been used to pay custom, shall, in future, pay the Consulage, without any resistance or opposition.

“44th. That the English, and other merchants navigating under their flag, who trade to Aleppo, shall pay such customs and other duties on the silks brought and laden by them on board their ships, as are paid by the French and Venetians, and not one asper more.

“45th. That the Ambassadors of the King of England, residing at the Sublime Porte, being the representatives of His Majesty and the interpreters, the representatives of the Ambassadors for such matters, therefore, as the latter shall translate or speak, or for whatever sealed letter or memorial they may convey to any place in the name of their Ambassador, it being found that that which they have interpreted or translated is a true interpretation of the words and answers of the Ambassador or Consul, they shall be always free from all imputation of fault or punishment; and in case they shall commit any offence, our judges and governors shall not reprove, beat, or put any of the said interpreters in prison, without the knowledge of the Ambassador or Consul.

“46th. That in case any of the interpreters shall happen to die, if he be an Englishman proceeding from England, all his effects shall be taken possession of by the Ambassador or Consul; but should he be a subject of our Dominions, they shall be delivered up to his next heir, and having no heir they shall be confiscated by our fiscal officers.


“And it was expressly commanded and ordained, that the above-mentioned articles and privileges should, in future, be strictly observed and performed, according to the form and tenour thereof.”

“Since which time an Ambassador from the King of England came to the Sublime Porte, and represented that laws had been oftentimes promulgated contrary to the tenour of the Sacred Capitulations, which being produced without their knowledge to our judges, and the dates

of such laws being posterior to those of our Capitulations, the latter could not be carried into execution ; his sovereign, therefore, wished that such laws might not be executed, but that the Imperial Capitulations should be always observed and maintained according to the form and tenour thereof: all which being represented to the Imperial throne, such requests were acceded to. And conformably thereto, it was expressly ordained and commanded, that all such laws as already had been, or should thereafter be, promulgated contrary to the tenour of these Imperial Capitulations, should, when pleaded or quoted before our judges, never be admitted, or carried into execution ; but that the said judges should ever obey and observe the tenour of these Imperial Capitulations. In the time of our glorious forefathers, and most august predecessors, of happy memory, therefore, clear and distinct Capitulations were granted, which annulled such laws, and directed them to be taken from those who produced them.

“ After which, Sultan Osman Chan, having ascended the Imperial Throne, the King of England sent another Ambassador, with letters and presents, which were graciously accepted, requesting that the Imperial Capitulations, granted in splendid and happy times, by the singular justice of our glorious forefathers, and by them confirmed and granted, might be renewed.

“ And some time after his august coronation, the King of England again sent unto this Sublime Porte one of his most distinguished and wise personages as his Ambassador, with a letter and presents, which were graciously accepted, professing and demonstrating the most sincere friendship for the said Porte ; and the said Ambassador having desired, on the part of the King, that the Capitulations, granted in the happy time of our glorious forefathers and august predecessors, as also those granted by the aforesaid Sultan, might be renewed and confirmed, and certain important and necessary articles added to the Imperial Capitulations, and that others already granted might be amended and more clearly expressed ; such, his request, was acceded to, and the Imperial Capitulations granted in the time of our most glorious and august forefathers were confirmed, the articles and stipulations renewed, and the conditions and conventions observed. Whereupon express commands were given that the tenour of the Sacred Capitulations should be strictly performed, and that no one should presume to contravene the same. And the said Ambassador, having represented and notified to the Sublime Throne that governors and commandants of many places had, contrary to the tenour of the Imperial Capitulations, molested and vexed with various inventions and innovations the English and other merchants, subjects of that nation trading to these our sacred Dominions, and desired that they



might be prohibited from so doing, and some new articles be added to the Imperial Capitulations. An Imperial order was accordingly granted, whereby it was expressly commanded that the articles newly added should be for ever strictly executed, without any one ever presuming to violate the same.

“ 47th. That whereas the corsairs of Tunis and Barbary having, contrary to the tenour of the Capitulations and our Imperial Licence, molested the merchants and other subjects of the King of England, as also those of other kings in amity with the Sublime Porte, and plundered and pillaged their goods and property, it was expressly ordained and commanded, that the goods so plundered should be restored, and the captives released; and that if after such commands the Tunisians and Algerines should, contrary to the tenour of our Capitulations, again molest the said merchants, and pillage their goods and property, and not restore the same, but convey them to the countries and ports of our sacred Dominions, and especially to Tunis, Barbary, Alodon, or Coron, the Beglerbeys, governors, and commandants of such places, should, in future, banish and punish them, and not permit them to sell the same.

“ 48th. That it is written and registered in the Capitulations that the governors and officers of Aleppo, and other ports of our sacred Dominions, should not, contrary to the tenour of these said Capitulations, forcibly take from the English merchants any money for their silk, under the pretence of custom or other duty, but that the said merchants should pay for the silk by them purchased at Aleppo, the same as the French and Venetians do, and no more. Notwithstanding which the commandants of Aleppo have, under colour of custom and duty, demanded two and a half per cent. for their silk, and thereby taken their money: wherefore we command that this matter be investigated and inquired into, in order that such money may be refunded to them by those who have taken the same; and, for the future, the duty exacted from them shall be according to ancient custom, and as the Venetians and French were accustomed to pay, so that not a single asper more be taken by any new imposition.

“ 49th. That the merchants of the aforesaid nation resident at Galata buy and receive divers goods, wares, and merchandises, and after having paid to our customs the duties thereon, and received a *tescaré*, ascertaining their having paid the same, preparatory to loading such goods in due time on board their ships, it sometimes happens that in the interim the customer either dies, or is removed from his situation, and his successor will not accept the said *tescaré*, but demands a fresh duty from the said merchants, thereby molesting them in various ways; wherefore we do command, that on its really and truly appear-




ing that they have once paid the duty on the goods purchased, the customer shall receive the said *tescaré* without demanding any fresh duty.

“50th. That the merchants of the aforesaid nation, after having once paid the duties, and received the *tescaré*, for the camlets, mohair, silk, and other merchandise purchased by them at Angora, and transported to Constantinople, and other ports of our sacred Dominions, and having deposited such goods in their own warehouses, have been again applied to for duties thereon; We do therefore hereby command that they shall no longer be molested or vexed on that head, but that when the said merchants shall be desirous of loading such goods on board their ships, and on its appearing, by the *tescaré*, that they have already paid the duties thereon, no fresh custom or duty shall be demanded for the said goods, provided that the said merchants do not blend or intermix the goods which have not paid custom with those which have.

“51st. That the merchants of the aforesaid nation, having once paid the customs on the merchandise imported into Constantinople and other ports of our sacred Dominions, and on those exported therefrom, as silks, camlets, and other goods, and being unable to sell the said goods, are under the necessity of transporting them to Smyrna, Scio, and other ports; on their arrival there the Governors and Custom House officers of such ports shall always accept their *tescarés*, and forbear exacting any further duty on the said merchandise.

“52nd. That for the goods which the merchants of the nation aforesaid shall bring to Constantinople, and other ports of our sacred Dominions, and for those they shall export from the said places, the Mastariagi of Galata and Constantinople shall take their mastaria, according to the old canon and ancient usage; that is to say, for those merchandises only whereupon it was usually paid; but for such merchandises as have not been accustomed to pay the same, nothing shall be taken contrary to the said canon; neither shall any innovations be made in future with regard to English merchandises, nor shall one asper more be taken than is warranted by custom.

“53rd. That the merchants of the aforesaid nation shall and may always come and go into the ports and harbours of our sacred Dominions, and trade, without experiencing any obstacle from any one, with the cloths, kersies, spice, tin, lead, and other merchandise they may bring; and, with the exception of prohibited goods, shall and may in like manner buy and export all sorts of merchandise, without any one presuming to prohibit or molest them; and our customers and other officers, after having received the duties thereon, according to ancient custom, and the tenour of these Sacred Capitulations, shall not





demand of them anything more touching which point certain clear and distinct Capitulations were granted, to the end that the Beglerbeys and other commandants, our subjects, as also the commandants and lieutenants of our harbours, might always act in conformity to these our Imperial commands, and let nothing be done contrary thereto.

“After which, in the time of our Uncle deceased, blessed and translated to Paradise, Sultan Murad Chan (whose tomb be ever resplendent!), the aforesaid King of England sent Sir Sackville Crow, Baronet, as his Ambassador, with a letter and presents, which were graciously accepted; but the time of his embassy being expired, another Ambassador, named Sir Thomas Bendish, arrived to reside at the Porte in his stead, with his presents and a courteous letter, professing the utmost friendship, devotion, and sincerity; and the said Ambassador having brought the Capitulations formerly granted to the English, and requested they might be renewed according to custom, he represented the damage and injury sustained by the English, contrary to the tenour of various articles of the Capitulations, viz.:

“That before the English merchants repaired to the Custom House, some one went on board the ship, and forcibly took out their goods; and before any price could be fixed on the best and most valuable articles, or the accounts made out, he took and carried them away; and that the said merchants, having punctually paid the duties thereon in one port, and being desirous of transporting the same goods to another port, the customer detained them, and would not suffer them to depart until they had paid the duties a second time; and whereas it is specified in the Capitulations, that in all suits wherein the English are parties, our Judges are not to hear or decide the same, unless their Ambassador or Consul be present; notwithstanding which our Judges, without the knowledge of their Ambassador, have proceeded to imprison and exact presents from the English merchants, and other subjects of that nation, besides being guilty of other oppressions; and whereas it is further ordered in the Capitulations, that no duties shall be taken on such sequins and piastres as by the English merchants shall be brought in, or carried out of our Imperial dominions, and that a duty of three per cent. only shall be demanded on their goods; notwithstanding which the customers have exacted duties on the sequins and dollars, and demanded more duties than were due on the silk bought by them, besides demanding six per cent. on the goods transported from Alexandria to Aleppo, which abuses were heretofore rectified by an express hattisherif; notwithstanding which the English merchants still continue to experience some molestation by the customers valuing their goods at more than they were worth, so that although it was the custom to receive three

per cent. only, the latter exacted six per cent. from them, and the servants of the Custom House, under colour of certain petty charges, took from them various sums of money, and that a greater number of waiters were put on board their ships than usual, the expenses attending which were a great burthen to the merchants and masters of ships who sustained it.

“That the customers, desirous to value goods at more than their worth, were not satisfied with the merchants paying them duties on the same goods at the rate of three per cent., but interposed numerous difficulties and obstacles.

“The Ambassador having requested, therefore, that such abuses might be rectified, and the laws of the Imperial Capitulation be duly executed, his request was represented to the Imperial Throne, when We were graciously pleased to order :

“54th. That the English merchants having once paid the duties on their merchandise, at the rate of three per cent., and taken them out of their ship, no one shall demand or exact from them anything more without their consent ; and it was moreover expressly commanded, that the English merchants should not be molested or vexed in the manner aforesaid, contrary to the Articles of the Capitulations.

“Since which, another Ambassador of the King of England, Sir Heneage Finch, Knight ; Earl of Winchelsea ; Viscount Maidstone ; and Baron Fitzherbert, of Eastwell, arrived to reside at the Sublime Porte, with presents and a courteous letter, demonstrating His sincere friendship, and professing the utmost cordiality and devotion ; which Ambassador also presented the Capitulations, and requested that the most necessary and important Articles thereof might be renewed and confirmed according to custom, which request was graciously acceded to, and the desired privileges granted to Him, viz. :

“55th. That the Imperial fleet, galleys, and other vessels, departing from our sacred Dominions, and falling in with English ships at sea, shall in nowise molest or detain them, nor take from them anything whatsoever, but always show to one another good friendship, without occasioning them the least damage or injury ; and notwithstanding it is thus declared in the Imperial Capitulations, the English ships are still molested by the ships of the Imperial fleet, and by the Beys and Captains who navigate the seas, as also by those of Algiers, Tunis, and Barbary, who, falling in with them whilst sailing from one port to another, detain them for the mere purpose of plunder, under colour of searching for enemy's property, and under that pretence prevent them from prosecuting their voyage ; now, We do hereby expressly command, that the provisions of the old Canon can be executed at the castles, and in the ports only, and nowhere else ; and that they shall

no longer be liable to any further search or exaction at sea, under colour of search or examination.

“56th. That the said Ambassador having represented that our customers, after having been fully paid the proper duties by the English merchants on their goods, delayed, contrary the articles and stipulations of the Capitulations, to give them the *tescarés* of the goods for which they had already received the duty, with the sole view of oppressing and doing them injustice; We do hereby strictly command that the said customers do never more delay granting them the *tescarés*, and the goods whereon they have once paid the duty, being transported to another port, in consequence of no opportunity of sale having occurred in the former port, entire credit shall be given to the *tescarés*, ascertaining the payment already made, agreeably to the Capitulations granted to them; and no molestations shall be given to them, nor any new duty demanded.

“57th. That notwithstanding it is stipulated by the Capitulations that the English merchants, and other subjects of that nation, shall and may, according to their rank and condition, trade to Aleppo, Egypt, and other parts of our Imperial Dominions, and for all their goods, wares, and merchandise, pay a duty of three per cent. only, and nothing more, according to ancient custom, the customers having molested the English merchants with a view to oppress them, and the subjects of that nation, on their arrival with their goods laden on board their ships, whether conveyed by sea or land, at our ports and harbours, under pretence of the goods so brought by them not belonging to the English; and that for goods brought from England they demanded three per cent. only, but for those brought by them from Venice and other ports, they exacted more; wherefore, on this point, let the Imperial Capitulations granted in former times be observed, and our governors and officers in nowise permit or consent to the same being infringed.

“58th. That whereas it is specified in the Capitulations, that in case an Englishman should become a debtor or surety, and run away or fail, the debt shall be demanded of the debtor; and if the creditor be not in possession of some legal document given by the surety, he shall not be arrested, nor such debt be demanded of him; should an English merchant resident in another country, with the sole view of freeing himself from the payment of a debt, draw a bill of exchange from another merchant living in Turkey, and the person to whom the same is payable, being a man of power and authority, should molest such merchant who had contracted no debt to the drawer, and oppress him, contrary to law and the Sacred Capitulations, by contending that the bill was drawn upon him, and that he was bound to pay the debt of

the other merchant; now, we do hereby expressly command, that no such molestation be given in future; but if such merchant shall accept the bill, they shall proceed in manner and form therein pointed out; but should he refuse to accept it, he shall be liable to no further trouble.

“59th. That the interpreters of the English Ambassadors having been always free and exempt from all contributions and impositions whatever, respect shall in future be paid to the articles of the Capitulations stipulated in ancient times, without the fiscal officers intermeddling with the effects of any of the interpreters who may happen to die, which effects shall be distributed amongst his heirs.

“60th. That the aforesaid King having been a true friend of our Sublime Porte, his Ambassador who resides here shall be allowed ten servants of any nation whatsoever, who shall be exempt from impositions, and in no manner molested.

“61st. That if any Englishman should turn Turk, and it should be represented and proved that besides his own goods he has in his hands any property belonging to another person in England, such property shall be taken from him and delivered up to the Ambassador or Consul, that they may convey the same to the owner thereof.

“The Ambassador of the aforesaid King who resided in our Sublime Porte being dead, Sir John Finch, Knight, a prudent man, was sent as Ambassador to the imperial throne, and to reside at our Sublime Porte, with a letter and presents, which, on arrival and presentation to our glorious and imperial presence, were graciously accepted; and the said Ambassador having brought with him the Sacred Capitulations heretofore granted by our august person, and represented to us, on the part of the aforesaid King, his Majesty's desire that they should be renewed and confirmed according to custom, and certain new articles added to them, to which request we most graciously acceded, by commanding that such additional articles be registered in the Imperial Capitulations, of which one was the Imperial command, to which was affixed the hattisherif, that is the hand of our deceased glorious father, absolved by God, Sultan Ibrahim (whose soul rest in glory and divine mercy!) in the year 1053, to wit:

“62nd. That for every piece of cloth called Londra, which from ancient times was always brought by the British ships to Alexandria, there should be taken in that place a duty of forty paras, for every piece of kersey six paras, for every bale of hareskins six paras, and for every quintal of tin and lead, Damascus weight, fifty-seven paras and a half.

“63rd. That on afterwards transporting the said goods from Alexandria to Aleppo, there should be demanded by the Custom House

officers of Aleppo, for every piece of Londra eighty paras, for a piece of kersey eight paras and two aspers, for every bundle of hareskins eight paras and two aspers, and for every Aleppo weight of tin and lead one para.

“64th. That on the goods purchased by the aforesaid nation at Aleppo, there should be paid for transport duty, on every bale of unbleached linen, cordovans, and chorasani-hindi two dollars and a half, for every bale of cotton yarn one dollar and a quarter, for every bale of galls one quarter, for every bale of silk ten osmans, and for rhubarb and other trifles, and various sorts of drugs, according to a valuation to be made by the appraiser, there should be taken a duty of three per cent.

“65th. That on carrying the said goods to Alexandria, and there loading them on board their ships, there should be taken for transport duty, on every bale of unbleached linen and cordovans one dollar-and-a-half, for every bale of chorasani-hindi, and cotton yarn three quarters, for every bale of galls one quarter, and for rhubarb and other trifles, and various sorts of drugs, after a valuation made thereof, there should be taken three quarters of a piastre; and for the future, no demand whatever to the contrary should be submitted to.

“66th. That all commands issued by the chamber contrary to the above-mentioned articles shall not be obeyed; but for the future, everything be observed conformably to the tenour of the Capitulations and Imperial signet.

“67th. It being stipulated by the Capitulations that the English merchants shall pay a duty of three per cent. on all goods by them imported and exported, without being bound to pay an asper more; and disputes having arisen with the customers on this head, they shall continue to pay duty as heretofore paid by them at a rate of three per cent. only, neither more or less.

“68th. That for the London and other cloths manufactured in England, whether fine or coarse, and of whatever price, imported by them into the ports of Constantinople and Galata, there shall be taken, according to the ancient canons, as they have always hitherto paid, one hundred and forty-four aspers, computing the dollar at eighty aspers, and the leone at seventy, and nothing more shall be exacted from them; but the cloths of Holland and other countries, viz., serges, Londrina scarlets, and other cloths, shall pay for the future that which hitherto has been the accustomed duty; and at Smyrna likewise shall be paid according to ancient custom, calculated in dollars and leones, for every piece of London or other cloth of English fabric, whether fine or coarse, one hundred and twenty aspers, without an asper more being demanded, or any innovation being made therein.

"69th. It being registered in the Imperial Capitulations that all suits wherein the English are parties, and exceeding the sum of four thousand aspers, shall be heard in our Sublime Porte, and nowhere else; that if at any time the commanders and governors should arrest any English merchant, or other Englishman, on the point of departure by any ship, by reason of any debt or demand upon him, if the Consul of the place will give bail for him, by offering himself as surety until such suit shall be decided in our Imperial Divan, such person so arrested shall be released, and not imprisoned or prevented from prosecuting his voyage, and they who claim anything from him shall present themselves in our Imperial Divan, and there submit their claims, in order that the Ambassador may furnish an answer thereto. With regard to those for whom the Consul shall not have given bail, the commandant may act as he thinks proper.

"70th. That all English ships coming to the ports of Constantinople, Alexandria, Smyrna, Cyprus, and other ports of our sacred Dominions, shall pay three hundred aspers for anchorage duty, without an asper more being demanded from them.

"71st. That should any Englishman coming with merchandise turn Turk, and the goods so imported by him be proved to belong to merchants of his own country, from whom he had taken them, the whole shall be detained, with the ready money, and delivered up to the Ambassador, in order to his transmitting the same to the right owners, without any of our judges or officers interposing any obstacle or hindrance thereto.

"72nd. That no molestation shall be given to any of the aforesaid nation buying camlets, mohairs, or program yarn, at Angora and Beghbasar, and desirous of exporting the same from thence, after having paid the duty of three per cent., by any demand of customs for the exportation thereof, neither shall one asper more be demanded of them.

"73rd. That should any suit be instituted by an English merchant for the amount of a debt, and the same be recovered by means of the assistance of a chiaux, he shall pay him out of the money recovered two per cent., and what is usually paid for fees in the mehkemé, or court of justice, and not an asper more.

"74th. That the King, having always been a friend to the Sublime Porte, out of regard to such good friendship, His Majesty shall and may, with his own money, purchase for his own kitchen, at Smyrna, Salonica, or any other port of our sacred Dominions, in fertile and abundant years, and not in times of dearth or scarcity, two cargoes of figs and raisins; and after having paid a duty of three per cent. thereon, no obstacle or hindrance shall be given thereto.

“75th. That it being represented to Us that the English merchants have been accustomed hitherto to pay no custom or scale duty, either on the silks bought by them at Brussa and Constantinople, or on those which come from Persia and Georgia, and are purchased by them at Smyrna from the Armenians; if such usage or custom really exists, and the same be not prejudicial to the Empire, such duty shall not be paid in future: and the said Ambassador having requested that the aforegoing articles might be duly respected, and added to the Imperial Capitulations, his request was acceded to; therefore, in the same manner as the Capitulations were heretofore conceded by our Imperial hattisherif, so are they now in like manner renewed by our Imperial command; wherefore, in conformity to the Imperial signet, We have again granted these sacred Capitulations, which We command to be observed so long as the said King shall continue to maintain that good friendship and understanding with our Sublime Porte which was maintained in the happy time of our glorious ancestors, which friendship We, on our part, accept; and, adhering to these articles and stipulations, We do hereby promise and swear, by the one omnipotent God, the Creator of heaven and earth, and of all creatures, that We will permit nothing to be done or transacted contrary to the tenour of the articles and stipulations heretofore made, and these Imperial Capitulations; and accordingly every one is to yield implicit faith and obedience to this our Imperial signet, affixed in the middle of the month Gamaziel, in the year 1086 (corresponding with the year of our Lord 1675).”

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TREATY BETWEEN GREAT BRITAIN AND THE SUBLIME PORTE, CONCLUDED  
AT THE DARDANELLES, THE 5TH OF JANUARY, 1809.

(*Translation.*)

“IN the name of the Most Merciful God,—

“The object of this faithful and authentic Instrument is as follows:

“Notwithstanding the appearances of a misunderstanding between the Court of Great Britain and the Sublime Ottoman Porte, consequent upon the occurrences of the moment, the two Powers, equally animated with a sincere desire of re-establishing the ancient friendship which subsisted between them, have named their Plenipotentiaries for that purpose, that is to say, His most august and most honoured Majesty George the Third, King of the United Kingdom of Great Britain and Ireland, has named for his Plenipotentiary Robert Adair, Esq., one of the Members of the Royal Parliament of Great Britain; and His Majesty the Most Noble, Most Powerful, and Most Magnificent Sultan



Mahomet Han II., Emperor of the Ottomans, has named for his Plenipotentiary Seyde, Mehmed-Emin-Vahid Effendi, Director and Inspector of the department called '*Merconfat*,' and invested with the rank of '*Nichangi*' of the Imperial Divan, who having reciprocally communicated to each other their full powers, after several conferences and discussions, have concluded the peace equally desired by both Powers, and have agreed upon the following articles :

"1st. From the moment of signing the present treaty, every act of hostility between England and Turkey shall cease ; and in furtherance of this happy peace, the prisoners on both sides shall be exchanged, without distinction, in thirty-one days from the signature of this treaty, or sooner, if possible.

"2nd. Should any fortresses belonging to the Sublime Porte be in the possession of Great Britain, they shall be restored to the Sublime Porte, and given up, with all the cannons, warlike stores, and other effects, in the condition in which they were found at the time of their being occupied by England ; and this restitution shall be made in the space of thirty-one days from the signature of the present treaty.

"3rd. Should there be any effects and property belonging to English merchants under sequestration, within the jurisdiction of the Sublime Porte, the same shall be entirely given up, and restored to the proprietors ; and, in like manner, should there be any effects, property, and vessels belonging to merchants, subjects of the Sublime Porte, under sequestration at Malta, or in any other islands and possessions of His Britannic Majesty, they also shall be entirely given up, and restored to their proprietors.

"4th. The treaty of Capitulations agreed upon in the Turkish year 1086 (A.D. 1675), in the middle of the month Gemmaziél Akir, as also the Act relating to the commerce of the Black Sea, and other privileges (*Imtiâzat*) equally established by acts at subsequent periods, shall continue to be observed and maintained as if they had suffered no interruption.

"5th. In return for the indulgence and good treatment afforded by the Sublime Porte to English merchants, with respect to their goods and property, as well as in all matters tending to facilitate their commerce, England shall reciprocally extend every indulgence and friendly treatment to the flag, subjects, and merchants of the Sublime Porte, which may hereafter frequent the dominions of His Britannic Majesty for the purpose of commerce.

"6th. The last Custom House tariff established at Constantinople, at the ancient rate of three per cent., and particularly the article relating to the importation of goods, shall continue to be observed as they are at present. England promises to conform.



“ 7th. Ambassadors from His Majesty the King of Great Britain shall enjoy all the honours enjoyed by Ambassadors to the Sublime Porte from other nations ; and Ambassadors from the Sublime Porte at the Court of London shall reciprocally enjoy all the honours granted to the Ambassadors from Great Britain.

“ 8th. Consuls (Shahbenders) may be appointed at Malta, and in the dominions of His Britannic Majesty, where it shall be necessary to manage and superintend the affairs and interests of merchants of the Sublime Porte, and similar privileges and immunities to those granted to English Consuls resident in the Ottoman dominions, shall be duly afforded to the ‘ Shahbenders ’ of the Sublime Porte.

“ 9th. English Ambassadors and Consuls may supply themselves, according to custom, with such dragomen as they shall stand in need of, but as it has already been mutually agreed upon, that the Sublime Porte shall not grant the ‘ Barat ’ of dragoman in favour of individuals who do not execute that duty in the place of their destination, it is settled, in conformity with this principle, that in future the ‘ Barat ’ shall not be granted to any person of the class of tradesmen, or bankers, nor to any shopkeeper or manufacturer in the public markets ; or to one who is engaged in any matters of this description ; nor shall English Consuls be named from among the subjects of the Sublime Porte.

“ 10th. English patents of protection shall not be granted to dependants or merchants, who are subjects of the Sublime Porte, nor shall any passport be delivered to such persons on the part of Ambassadors or Consuls, without permission previously obtained from the Sublime Porte.

“ 11th. As ships of war have at all times been prohibited from entering the canal of Constantinople, viz., in the Straits of the Dardanelles and of the Black Sea ; and as this ancient regulation of the Ottoman Empire is in future to be observed by every power in time of peace, the Court of Great Britain promises on its part to conform to this principle.

“ 12th. The ratifications of the present Treaty of Peace between the high contracting parties shall be exchanged at Constantinople in the space of ninety-one days from the date of this Treaty, or sooner, if possible. In faith of which, and in order of the ratification of the twelve articles of this treaty (which has been happily concluded by the assistance of God, and in the sincerity and good faith of the Two Parties), may be exchanged ; I, Plenipotentiary of the Sublime Porte, have, in virtue of my full powers, signed and sealed this instrument, which I have delivered to the Plenipotentiary of His Britannic Majesty, in exchange for another instrument exactly conformable thereto, written in the French

language, with a translation thereof, which has been delivered to me, on his part, agreeably to his full powers.

“ Done near the Castles of the Dardanelles, the 5th January, 1809, which corresponds with the year of the Hegira 1223, the nineteenth day of the moon *Zilkaade*.

(Signed) (L.S.) “SEYDE, MEHMED-EMIN-VAHID EFFENDI.

(Signed) (L.S.) “ROBERT ADAIR.”

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BRITISH ORDER IN COUNCIL, MAKING FURTHER PROVISION FOR THE  
EXERCISE OF POWER AND JURISDICTION BY BRITISH CONSULAR  
COURTS IN THE OTTOMAN DOMINIONS, APRIL 24, 1847.

At the Court of Buckingham Palace, the 24th day of April, 1847.

*Present* :—The Queen's Most Excellent Majesty in Council.

WHEREAS, by a certain Act of Parliament, made and passed in the Session of Parliament, holden in the 6th and 7th years of Her Majesty's reign, intituled, “ An Act to remove doubts as to the Exercise of Power and Jurisdiction by Her Majesty within divers countries and places out of Her Majesty's dominions, and to render the same more effectual, it is among other things enacted, that it is and shall be lawful for Her Majesty to hold, exercise, and enjoy any power or jurisdiction which Her Majesty now hath, or may at any time hereafter have within any country or place out of Her Majesty's dominions, in the same and as ample a manner as if Her Majesty had acquired such power or jurisdiction by the cession or conquest of territory.

And whereas Her Majesty hath power and jurisdiction in the Sublime Ottoman Porte, and whereas Her Majesty was pleased on the 19th day of June, 1844, by and with the advice of Her Privy Council, to make by Order in Council, provision for the due exercise of the jurisdiction possessed by Her Majesty as aforesaid, in the dominions of the Sublime Ottoman Porte; and whereas it is expedient at the present time to make further provision for the same,

Now, therefore, in pursuance of the above recited Act of Parliament, Her Majesty is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, that this above recited Order of Her Majesty in Council, of the 19th of June, 1844, shall continue to have full force and effect, except in so far as the same may be in any way altered by the present Order.

And for the better maintenance of order among British subjects residing in, or resorting to the dominions of the Sublime Ottoman Porte, and for the more effectual repression and punishment of crimes com-

mitted by British subjects within the said dominions, it is hereby further ordered, that in all cases in which parties shall be accused before Her Majesty's Consuls-General, Consuls, or Vice-Consuls, of the crimes of arson, house-breaking, cutting or maiming, stabbing, or assault endangering life; and in which the said Consuls-General, Consuls, or Vice-Consuls shall have exclusive jurisdiction; the proceedings in the Consular Courts shall be conducted in the presence of assessors, convened in the manner pointed out in the aforesaid Order of the 19th of June, 1844; and it shall and may be lawful for the Consul-General, Consul, or Vice-Consul holding such Court, to order that any person who shall be convicted in the said Court of any of the crimes aforesaid, shall over and above any fine or imprisonment which may be awarded to such person, be sent out of the dominions of the Sublime Ottoman Porte, notwithstanding the crime laid to the charge of such person may be the first of which he has been convicted in a Consular Court: and all the rules laid down in the aforesaid Order of the 19th of June, 1844, touching Consular Courts held in the presence of assessors, and the expulsion of persons from the dominions of the Sublime Ottoman Porte, shall continue to be observed with reference to the present Order. .

And it is hereby further ordered, that when any British subject shall be convicted for the first time in the Court of any of Her Majesty's Consuls-General, Consuls, or Vice-Consuls in the dominions of the Sublime Ottoman Porte, of any crime or misdemeanour endangering the public peace, if such British subject shall have no establishment in the dominions of the Sublime Ottoman Porte, nor any ostensible means of subsistence, it shall and may be lawful for such Consul-General, Consul, or Vice-Consul, to require such British subject to produce some one person who will enter into security for his good behaviour, after payment of the fine imposed upon him, or the expiration of the term of imprisonment awarded to him, provided always, that the security so required shall not be excessive; and in the event of any British subject so convicted being unable to procure some such person to enter into the required security, then and in that case it shall be lawful for Her Majesty's Consul-General, Consul, or Vice-Consul, to send such British subject out of the Ottoman dominions, in the same manner as if he had been twice convicted:

And it is further ordered, that it shall and may be lawful for any of Her Majesty's Consuls-General, Consuls, or Vice-Consuls, in the Ottoman dominions, upon oath being made before him, by one or more credible witnesses, that there is reasonable ground to apprehend that any British subject is about to commit a breach of the public peace, to cause such British subject to be brought before him, and to require

such British subject to give sufficient security to keep the peace ; or in the event of any British subject being convicted of a breach of the peace, to cause such British subject to find security for his good behaviour, after he shall have undergone the punishment which may have been awarded to him in the Consular Court ; and in the event of any British subject, who may be required as aforesaid to give sufficient security to keep the peace, or to find security for his good behaviour, being unable or unwilling to do so, then and in that case it shall be lawful for Her Majesty's Consul-General, Consul, or Vice-Consul, to send such British subject out of the Ottoman dominions.

And the Right Honourable Earl Grey and the Right Honourable Viscount Palmerston, two of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein, as to them may respectively appertain.

WM. L. BATHURST.

## CHAPTER V.

### THE CONSULAR DUTIES IN CHINA.

**B**Y the statute 6 Anne, c. 17, a union was effected between the Company of Merchants of London, trading to the East Indies, and the English Company, on the same track. This Charter was renewed from time to time, when gradually the United Company expanded, and that of China became detached under Government in the reign of William IV., when the China trade was thrown open, and the United Company assumed the name of the now renowned East India Company. The Acts now in force appointed a Superintendent of Trade to China (3 & 4 Wm. IV., c. 93), which was further amended by the 6 & 7 Vict., c. 80, both of which are annexed; these, as they relate more exclusively to the Superintendent of Trade to China, need only be perused by the Consul for his information.

It was not until the year 1842, that British Consuls were appointed to China, although, without doubt, the Superintendents of Trade were paving the way to their establishment. On the 29th August, 1842, Her Majesty concluded with the Emperor of China a Treaty of Peace and Friendship. In the second Article it was agreed that British subjects, with their establishments and families, should be allowed to reside, for the purpose of carrying on their mercantile pursuits, at the cities and towns of *Canton*, *Amoy*, *Foo-chow-foo*, *Ningpo*, and *Shanghai*; and that Her Majesty might appoint Superintendents, or Consular



officers to reside at each of the above-named cities or towns, to be the medium of communication between the Chinese authorities and the said merchants, and to see that the just dues and duties of the Chinese government as hereafter provided for are duly discharged by Her Britannic Majesty's subjects. The third Article relates to the cession of the Island of Hong Kong to Her Majesty. The remainder of the Treaty goes on to state the indemnifications, etc., payable, and the release of British subjects, etc. In furtherance of this Treaty, by an Order in Council dated the 4th January, 1843, Her Majesty removed the holding of the Court for the administration of justice, with criminal and Admiralty jurisdiction, to the Island of Hong Kong, to be there holden by the Chief Superintendent for the time being, appointed by Her Majesty, in pursuance of the 3 & 4 Wm. IV., c. 93, and confirming in other respects the Order in Council relating thereto, dated the 9th December, 1833. By Order in Council dated the 24th February, 1843, Her Majesty was also pleased to declare that the Superintendents of Trade were to carry out the provisions afforded by the said Act, in regard to fines and penalties; and prohibited her subjects, under a penalty not exceeding 100*l.*, or three months' imprisonment, from resorting for the purposes of trade and commerce to any other ports in the Chinese dominions than those of Amoy, Canton, Foo-chow-foo, Ningpo, and Shanghai, or those that may be in possession of Her Majesty's forces.


On the 26th June, 1843, the annexed Tariff of Duties and Dues was agreed upon, and on the 22nd July of the same year duly promulgated by Sir Henry Pottinger, Her Majesty's Plenipotentiary to China, with the addenda, that on well-grounded representations from Her Majesty's Consuls, or the Chinese authorities, that the above provisions had been evaded or attempted to be, most stringent and decided measures were to be adopted against the offenders. In continuation of this the appended Regulations were also issued relating to Pilots, Custom-house Guards, reporting Ships on Arrival, Commercial Dealings between English and Chinese Merchants, Tonnage Dues, Import and Export Duties, Examination of Goods, manner of Paying Duties, Weights and Measures, Lighters or Cargo Boats, Transhipment of Goods, Subordinate Consular Officers, Disputes between British Subjects and Chinese, British Government Cruisers, and the Security to be given for British Merchants' Vessels. These were all confirmed by a proclamation of the Chinese authorities in July, 1843.

The next Act passed on the subject was the 6 & 7 Vict. c. 80, annexed, and on the 26th August, 1843,—1st. A British Commission, authorising the Superintendent of Trade in China to enact Laws and Ordinances for the government of British subjects. 2nd. British

instructions to the Superintendent of Trade in China relative to the same. 3rd. A Commission providing, in the event of a vacancy, for the temporary exercise of the office of said Superintendent. On the 2nd October, 1843, an Order in Council was issued relative to the execution of the Laws and Ordinances enacted by the said Superintendent.

A Supplementary Treaty was then signed at Hoomun-Chae on the 8th of October, 1843, in which it was stated, that as by Treaty the five above-mentioned ports had been thrown open to the British trade, and a Tariff had been established, the same should be in force at the said ports of *Canton, Foo-chow-foo, Amoy, Ningpo, and Shanghai*. That all penalties under the general Regulations of Trade, July, 1843, should be appropriated to the Public Service of China. That British merchants should alone trade with such five ports, and in the event of their, in contravention of the said regulations, repairing to other ports, the Chinese government officers should be at liberty to seize and confiscate both vessels and cargoes. That English merchants and others residing or resorting to the five ports, should not penetrate into the surrounding country beyond certain short distances to be named by the local authorities, in concert with the British Consul, and on no pretence for purposes of traffic. That seamen should not be allowed to land except under certain restrictions, and that all persons not acting accordingly should be liable to seizure, and to be handed over to the British Consul for punishment. Sect. vii. The regulations relating to the rent and building of houses. Sect. viii. That the Emperor of China might grant the same privileges to other nations. Sect. ix. That Chinese criminals fleeing to the five ports should be handed to the Chinese authorities, and English subjects fleeing to the Chinese territories, should be handed to the nearest British Consular officer. Sect. x. Relates to an English cruiser being stationed at each of the five ports. Sect. xi. The return of the ports of Chusan and Koolangsoo to the Chinese. Sect. xii. To the infringement of the Trade and Smuggling. Sect. xiii. To the Trading of Chinese to the five ports. Sect. xiv. The appointment of an English officer to examine the registers of all Chinese vessels repairing to such ports. Sect. xv. Relates to the debts incurred by Chinese and British subjects. Sect. xvi. That a monthly return should be made to Canton of all passes granted to vessels going to Hong Kong. Sect. xvii. Relates to the Dues, etc., of British small craft.

On the 24th January, 1844, a British Ordinance was promulgated relative to the trial and punishment of offences committed by British subjects in China, or within a certain distance at sea, off the Chinese coast.



A British Commission was also issued on the 9th February, 1844, appointing the Chief Superintendent of British trade in China, and providing for the temporary exercise of such office, revoking the warrants of the 14th May, 1841, and 26th August, 1843, by substituting John Francis Davis as Superintendent, instead of Sir Henry Pottinger; and also on the same date a Commission authorising the said Superintendent for Trade in China to enact Ordinances and Laws for the government of British subjects. And on the 17th April, 1844, a British Order in Council was issued relative to the trial and punishment at *Hong Kong* or in *China*, of offences committed by British subjects. On the 22nd February and 28th February, 1844, notifications were published relating to Consular fees and a British ordinance, which have since been repealed. No. 3, British Ordinance of 25th February, 1844, was then promulgated, to restrain masters of merchant vessels belonging to Her Majesty's subjects from leaving seamen and others in a destitute state in the dominions of the Emperor of China, and from refusing to convey distressed seamen from thence to *Hong Kong* or to *England*, and also to provide for the good conduct of seamen within the same; this was however partly superseded by Ordinance No. 2, of 1846.

On the 20th March, 1844, another British Ordinance was issued to restrain Her Majesty's subjects from trading in the Empire of China to the northward of the twenty-second degree of north latitude. The 5th British Ordinance of the year 1844 was to carry into effect the Treaties between Great Britain and China, and to indemnify Her Majesty's Consuls, and all other persons in China, who may have assisted therein. No. 6, dated the 19th August, 1844, to "authorize the execution of the process of the Supreme Court of Hong Kong, in certain parts, within the dominions of the Emperor of China," was repealed by Ordinance No. 1, of 1847. The 7th and last Ordinance of 1844, dated the 20th November, is for the better administration of justice in the Consular Courts, and to establish a registration of British subjects within the dominions of the Emperor of China. The commencement of the Ordinances relating to China in 1845 has date the 7th July, and is, No. 1, to amend the Ordinance No. 7, 1844, intituled, "An Ordinance for the better administration of Justice in Consular Courts," etc. This year finishes by British notifications, announcing equal toleration by the Chinese Government to Protestants and Papists, dated the 23rd December.

Early in 1846 we come to a notification (19th January, 1846), announcing the recognition by the Chinese government of equal rights of British subjects at Canton and the other four ports. Ordinance No. 1,



of 1846, is to amend No. 4, of 1844 ; and No. 2, of the same year, that of No. 3 in 1844, by altering the form of bond.

Passing now to the year 1847, the first notification issued is that of the 4th March, fixing the rates of pilotage in the Chinese ports of trade.

The first ordinance passed in this year commences with No. 1, dated the 11th March, being to repeal and amend certain Ordinances relating to Her Majesty's Consular Officers in China, and substituting other provisions in lieu thereof. No. 2, dated 12th August, 1847, has reference to the better maintenance of order among British subjects residing in or resorting to the dominions of the Emperor of China, and for the effectual repression and punishment of crimes committed by British subjects within the said dominions.

The next ordinance, No. 3, of 1847, dated 30th September, 1847, has reference to the authorization of Her Majesty's Consular Officers to adjudicate in civil actions. This year closes with a British Commission appointing another superintendent, and authorising him to enact, with the advice of the Legislative Council of the island of Hong Kong, such laws and ordinances as may be required for the good government of British subjects in China.

We must now pass over the year 1848, and, proceeding to 1849, we see an Order in Council dated the 1st March, 1849, relative to the spiritual authority and jurisdiction of the See and Bishop of Victoria.

Ordinance No. 1, of 1849, dated the 7th June, then passes before us, being an Ordinance for the better obtaining of evidence in the Consular Courts of China, and to amend the Ordinance No. 3, of 1847. No. 2, dated 19th July, 1849, proceeds to regulate and declare the duties and office of Consular Agent. No. 3, and the last but one of the 1849 Ordinances, dated the 19th July, is intituled, "for the safe and better custody of offenders sentenced to imprisonment by any of the Consular Courts in the dominions of the Emperor of China." The last Ordinance we have to record relating to China is No. 4, of 1849, dated the 1st August, repealing the one of the same year, No. 2, and making provisions in lieu thereof.

Although we have thus given a brief outline of the history and ordinances relating to the China Consulates, still it would not form any part of our present purpose to give *in extenso* any of the repealed Orders in Council, or Ordinances, or those that would not be of much interest to the Consul in general. We have, therefore, annexed chronologically all those of consequence in force.

We cannot close this chapter without adverting to the recent appointment of the learned Sir J. Bowring to be Superintendent



and Commander-in-Chief in China—an appointment which does honour and credit to Her Majesty's Government. May all appointments be made with the same regard for talent as this.

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PAPERS RELATING TO THE CONSULAR DUTIES, ETC., IN CHINA.

1. Act 3 & 4 Wm. IV., cap. 93, to regulate the Trade to  
China and India . . . . . 28th Aug., 1833
  2. Order in Council, appointing a Court of Justice at  
Canton . . . . . 9th Dec., 1833
  3. Order in Council, transferring Court of Justice to  
Hong Kong . . . . . 4th Jan., 1843
  4. Order in Council, restricting British Subjects from  
Trading, except in certain Ports . . . . . Feb., 1843
  5. Treaty of Peace and Friendship, Tariff, Declaration, }  
and General Regulations of Trade . . . . . } Aug., 1842  
June, 1843
  6. Act 6 & 7 Vict., cap. 80 : an Act for the better Govern-  
ment of Her Majesty's Subjects resorting to China . 22nd Aug., 1843
  7. Supplementary Treaty . . . . . Oct., 1843
  8. Order in Council, concerning the Appointment and  
Organization of Consuls . . . . . 17th April, 1844
  9. Ordinances passed in 1844, and Circular . . . . . 12th Nov., 1844
  10. Ordinances passed in . . . . . 1845
  11. Ordinances passed in . . . . . 1846
  12. Currency at Amoy . . . . . 1844
  13. Regulations established at Amoy . . . . . 1844
  14. Regulations at Ningpo . . . . . 1844
  15. Port Regulations at Shanghai
  16. Regulations at Foo-chow-foo . . . . . 1845
  17. Ordinances of . . . . . 1847
  18. Regulations for anchoring Shipping . . . . . April 4, 1847
  19. Rates of Pilotage . . . . . 4th March, 1847
  20. Ordinances of . . . . . 1849
  21. Act 18 & 19 Vict., cap. 104 : an Act for the Regulation  
of Chinese Passenger Ships . . . . . 14th Aug., 1855
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3 &amp; 4 GULIELMI IV., CAP. 93.

*An Act to regulate the Trade to China and India.*

[28th August, 1833.]

Repeal of  
the Act 4 G.  
4, c. 80, ex-  
cept as here-  
in men-  
tioned.

WHEREAS the exclusive right of trading with the dominions of the Emperor of China, and of trading in tea, now enjoyed by the United Company of Merchants of England trading to the East Indies, will cease from and after the Twenty-second day of April, One thousand eight hundred and thirty-four: And whereas it is expedient that the trade with China, and the trade in tea, should be open to all His Majesty's subjects, and that the restrictions imposed on the trade of His Majesty's subjects with places beyond the Cape of Good Hope to the Streights of Magellan, for the purpose of protecting the exclusive rights of trade heretofore enjoyed by the said Company, should be removed: Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the said Twenty-second day of April, One thousand eight hundred and thirty-four an Act passed in the Fourth year of the reign of His late Majesty King George the Fourth, intituled An Act to consolidate and amend the several Laws now in force with respect to Trade from and to places within the limits of the charter of the East India Company, and to make further provisions with respect to such trade, and to amend an Act of the present Session of Parliament, for the registering of vessels, so far as it relates to vessels registered in India, shall be repealed, except such parts thereof as relate to Asiatic sailors, Lascars, being natives of the territories under the government of the East India Company, but so as not to revive any Acts or parts of Acts by the said Act repealed; and except also as to such voyages and adventures as shall have been actually commenced under the authority of the said Act; and except as to any suits and proceedings which may have been commenced, and shall be depending on the said Twenty-second day of April, One thousand eight hundred and thirty-four; and from and after the said Twenty-second day of April, One thousand eight hundred and thirty-four the enactments hereinafter contained shall come into operation.

Repeal of  
prohibitions  
upon the im-

II. And be it further enacted, That so much of an Act passed in the Sixth year of the reign of His late Majesty

King George the Fourth, intituled An Act for the general regulation of the Customs, as prohibits the importation of tea, unless from the place of its growth, and by the East India Company, and into the port of London; and also so much of the said Act as prohibits the importation into the United Kingdom of goods from China, unless by the East India Company, and into the port of London; and also so much of the said Act as requires that the manifests of ships departing from places in China shall be authenticated by the chief supercargo of the East India Company: and also that so much of another Act passed in the said Sixth year of the reign of His said late Majesty King George the Fourth, intituled An Act to regulate the trade of the British possessions abroad, as prohibits the importation of tea into any of the British possessions in America, and into the Island of Mauritius, except from the United Kingdom, or from some other British possessions in America, and unless by the East India Company, or with their licence, shall be, from and after the Twenty-second day of April, One thousand eight hundred and thirty-four, repealed; and thenceforth (notwithstanding any provision, enactment, matter, or thing made for the purpose of protecting the exclusive rights of trade heretofore enjoyed by the said Company, in any charter of the said Company, in the said Act or any other Act of Parliament contained) it shall be lawful for any of His Majesty's subjects to carry on trade with any countries beyond the Cape of Good Hope to the Streights of Magellan.

portation of tea and goods from China, imposed by 6 G. 4, c. 107, and 6 G. 4, c. 114.

All British subjects may carry on trade beyond the Cape of Good Hope to the Streights of Magellan.

III. Provided always, and be it enacted, That the person having the command of any ship or vessel arriving at any place in the possession of or under the government of the said Company shall make out, sign, and deliver to the principal officer of the Customs, or other person thereunto lawfully authorised, a true and perfect list, specifying the names, capacities, and description of all persons who shall have been on board such ship or vessel at the time of its arrival: and if any person having the command of such ship or vessel shall not make out, sign, and deliver such list, he shall forfeit One hundred pounds, one half part of which penalty shall belong to such person or persons as shall inform or sue for the same, and the other half part to the said Company; and if the said Company shall inform or sue for the same, then the whole of the said penalty shall belong to the said Company.

List of persons on board any ship arriving in India to be delivered to officers of Customs.

Penalty for neglect, 100%.

Penalties,  
how recover-  
able.

IV. And be it enacted, That the penalty or forfeiture aforesaid shall be recoverable by action of debt, bill, plaint, or information in any of His Majesty's Courts of Record in the United Kingdom of Great Britain and Ireland, and in India or elsewhere, or in any Courts in India to which jurisdiction may hereafter be given by the Governor-General of India in Council in that behalf, to be commenced in the county, presidency, colony, or settlement where the offender may happen to be; or by conviction in a summary way before two Justices of the Peace in the United Kingdom, or in India, of the county or presidency where such offender may happen to be; and upon such conviction the penalty or forfeiture aforesaid shall and may be levied by distress and sale of the goods and chattels of the offender; and for want of such sufficient distress every such offender may be committed to the common gaol or house of correction for the space of three calendar months.

Three super-  
intendents of  
the China  
trade to be  
appointed.

V. And whereas it is expedient for the objects of trade and amicable intercourse with the dominions of the Emperor of China that provision be made for the establishment of a British authority in the said dominions; be it therefore enacted, That it shall and may be lawful for His Majesty, by any commission or commissions or warrant or warrants under His Royal Sign Manual, to appoint not exceeding three of His Majesty's subjects to be Superintendents of the trade of His Majesty's subjects to and from the said dominions, for the purpose of protecting and promoting such trade, and by any such commission or warrant as aforesaid to settle such gradation and subordination among the said Superintendents (one of whom shall be styled the Chief Superintendent), and to appoint such officers to assist them in the execution of their duties, and to grant such salaries to such Superintendents and officers, as His Majesty shall from time to time deem expedient.

His Majesty  
in Council  
may issue  
orders and  
commissions  
to have force  
in China;

VI. And be it enacted, That it shall and may be lawful for His Majesty, by any such order or orders, commission or commissions, as to His Majesty in Council shall appear expedient and salutary, to give to the said Superintendents, or any of them, powers and authorities over and in respect of the trade and commerce of His Majesty's subjects within any part of the said dominions; and to make and issue directions and regulations touching the said trade and commerce, and for the government of His Majesty's subjects within the said

and issue  
regulations  
touching the  
trade;

dominions ; and to impose penalties, forfeitures, or imprisonments for the breach of any such directions or regulations, to be enforced in such manner as in the said order or orders shall be specified ; and to create a Court of Justice with criminal and Admiralty jurisdiction for the trial of offences committed by His Majesty's subjects within the said dominions, and the ports and havens thereof, and on the high seas within one hundred miles of the coast of China ; and to appoint one of the Superintendents hereinbefore mentioned to be the officer to hold such Court, and other officers for executing the process thereof ; and to grant such salaries to such officers as to His Majesty in Council shall appear reasonable.

and create  
a Court of  
Justice for  
trial of of-  
fences in  
that part.

VII. And be it enacted, That no Superintendent or Commissioner appointed under the authority of this Act shall accept for or in discharge of his duties any gift, donation, gratuity, or reward, other than the salary which may be granted to him as aforesaid, or be engaged in any trade or traffic for his own benefit, or for the benefit of any other person or persons.

Superinten-  
dents, &c.,  
not to accept  
gifts or to  
trade.

VIII. And be it enacted, That it shall be lawful for His Majesty, by and with the advice of His Privy Council, by any order or orders to be issued from time to time, to impose, and to empower such persons as His Majesty in Council shall think fit to collect and levy from or on account of any ship or vessel belonging to any of the subjects of His Majesty entering any port or place where the said Superintendents or any of them shall be stationed, such duty on tonnage and goods as shall from time to time be specified in such order or orders not exceeding in respect of tonnage the sum of five shillings for every ton, and not exceeding in respect of goods the sum of ten shillings for every one hundred pounds of the value of the same, the fund arising from the collection of which duties shall be appropriated, in such manner as His Majesty in Council shall direct, towards defraying the expenses of the establishments by this Act authorised within the said dominions : Provided always, that every Order in Council issued by authority of this Act shall be published in the *London Gazette* ; and that every such Order in Council, and the amount of expence incurred, and of duties raised under this Act, shall be annually laid before both Houses of Parliament.

A tonnage  
duty to be  
imposed, to  
be appropri-  
ated towards  
defraying  
the expense  
of establish-  
ments in  
China.

IX. And be it enacted, That if any suit or action shall be

Limitation  
of actions.

brought against any person or persons for anything done in pursuance of this Act, then and in every such case such action or suit shall be commenced or prosecuted within six months after the fact committed, and not afterwards, except where the cause of action shall have arisen in any place not within the jurisdiction of any of His Majesty's Courts having civil jurisdiction, and then within six months after the plaintiff or plaintiffs and defendant or defendants shall have been within the jurisdiction of any such Court; and the same and every such action or suit shall be brought in the county or place where the cause of action shall have arisen, and not elsewhere, except where the cause of action shall have arisen in any place not within the jurisdiction of any of His Majesty's Courts having civil jurisdiction; and the defendant or defendants shall be entitled to the like notice, and shall have the like privilege of tendering amends to the plaintiff or plaintiffs, or their agent or attorney, as is provided in actions brought against any Justice of the Peace for acts done in the execution of his office by an Act passed in the Twenty-fourth year of the reign of King George the Second,

**24 G. 2, c. 44.** intituled An Act for the rendering Justices of the Peace more safe in the execution of their office, and for indemnifying constables and others acting in obedience to their warrants; and the defendant or defendants in every such action or suit may plead the general issue, and give the special matter in evidence: and if the matter or thing complained of shall appear to have been done under the authority and in execution of this Act, or if any such action or suit shall be brought after the time limited for bringing the same, or be brought and laid in any other county or place than the same ought to have been brought or laid in as aforesaid, then the jury shall find for the defendant or defendants; and if the plaintiff or plaintiffs shall become nonsuit, or discontinue any action after the defendant or defendants shall have appeared, or if a verdict shall pass against the plaintiff or plaintiffs, or if upon demurrer judgment shall be taken against the plaintiff or plaintiffs, the defendant or defendants shall and may

**Treble costs.** recover treble costs, and have the like remedy for recovery thereof as any defendant or defendants hath or have in any cases of law.

**BRITISH ORDER IN COUNCIL, APPOINTING A COURT OF JUSTICE AT CANTON, FOR THE TRIAL OF OFFENCES COMMITTED BY BRITISH SUBJECTS IN CHINA.—9th December, 1833.**

At the Court at Brighton, the Ninth Day of December, 1833.

*Present* :—The King's Most Excellent Majesty in Council.

WHEREAS by a certain Act of Parliament, made and passed in the third and fourth years of His Majesty's reign, intituled "An Act to regulate the trade to China and India," it is, amongst other things, enacted, that it shall and may be lawful for His Majesty, by any such Order or Orders as to His Majesty in Council shall appear expedient and salutary, to create a Court of Justice, with criminal and Admiralty jurisdiction, for the trial of offences committed by his Majesty's subjects within the dominions of the Emperor of China, and the ports and havens thereof, and on the high seas within one hundred miles of the coast of China, and to appoint one of the superintendents in the said Act mentioned, to be the officer to hold such Court, and other officers for executing the process thereof; now, therefore, in pursuance of the said Act, and in execution of the powers thereby in His Majesty in Council in that behalf vested, it is hereby ordered by His Majesty, by and with the advice of His Privy Council, that there shall be a Court of Justice with criminal and Admiralty jurisdiction, for the purposes aforesaid, which Court shall be holden at Canton, in the said dominions, or on board any British ship or vessel in the port or harbour of Canton, and that the said Court shall be holden by the Chief Superintendent for the time being, appointed or to be appointed, by His Majesty, under and in pursuance of the said Act of Parliament:

And it is further ordered, that the practice and proceedings of the said Court, upon the trial of all issues of fact or law, to be joined upon any indictments or informations to be therein brought or prosecuted, shall be conformable to and correspond with the practice and proceedings of the Courts of Oyer and Terminer and Gaol Delivery in England, upon the trial of such issues in such Courts, so far as it may be practicable to maintain such conformity and correspondence, regard being had to the difference of local circumstances; and, especially, it is hereby ordered, that every such trial of any such issue of fact, or of mixed fact and law, shall be by the said Chief Superintendent for the time being, and a jury of twelve men; and that upon every such trial the examination of witnesses for and against the party or parties charged shall take place, *viva voce*, in open Court; and that the sentence or judgment of the said Court upon every such trial, founded upon the verdict of such jury, shall be pronounced in open Court by such chief superintendent as the presiding judge thereof:

And whereas it will be necessary to frame and prescribe rules of practice and proceeding to be observed upon all such prosecutions, in order to ascertain how far the same can be brought into conformity with the practice and proceeding of His Majesty's Courts of Oyer and Terminer and Gaol Delivery in England; and how far it may be necessary to deviate from such practice and proceeding by reason of the differences of local circumstances, it is, therefore, further ordered, that such Chief Superintendent for the time being, shall be, and he is hereby authorised from time to time, but subject to the provisions aforesaid, to promulgate all such rules of practice and proceeding as it may be necessary to adopt and follow, upon, or previously to, the commitment of any person to take his trial in the said Court; and respecting the taking of bail for the appearance of any such person at such trial; and respecting the form and manner of preferring and finding indictments, and of exhibiting criminal informations against any persons charged with any crimes or offences before the said Court; and respecting the manner of summoning and convening jurors for the trial of such indictments, or informations; and respecting qualifications of such jurors, and the mode of summoning and compelling the attendance of witnesses; and respecting the process of the said Court, and the mode of carrying the same into execution; and respecting the times and places of holding such Courts, and the duties of the respective ministerial officers attending the same, whom he is hereby authorised to appoint provisionally, subject to His Majesty's approbation; and also respecting every other matter and thing connected with the administration of justice therein, which it may be found necessary to regulate:

And it is further ordered, that all rules so to be promulgated as aforesaid, shall be binding and take effect from the respective days of the dates thereof, but that the same shall by such Chief Superintendent be transmitted to one of His Majesty's principal Secretaries of State, for His Majesty's approbation or disallowance, and that any such rule should cease to be binding, or to have any force or effect, from and after the time of which His Majesty's disallowance thereof shall be made known to such chief superintendent for the time being:

And it is further ordered, that a record shall be duly made and preserved of all the proceedings, judgments, and sentences of the said Court, which record shall be retained in the custody of an officer of the said Court to be by the chief superintendent especially charged with the performance of that duty:

And the Right Honourable Viscount Palmerston, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

C. C. GREVILLE.





BRITISH ORDER IN COUNCIL, TRANSFERRING THE COURT OF JUSTICE FROM CANTON TO HONG-KONG, FOR THE TRIAL OF OFFENCES COMMITTED BY BRITISH SUBJECTS IN CHINA.—4th January, 1843.

At the Court of Windsor, the 4th day of January, 1843.

*Present* :—The Queen's Most Excellent Majesty in Council.

WHEREAS by an Act of Parliament, made and passed in the session of Parliament holden in the third and fourth years of the reign of His late Majesty King William the Fourth, intituled, "An Act to Regulate the Trade to China and India," it was, amongst other things, enacted that it should and might be lawful for His said Majesty, by any such order or orders as to His said Majesty in Council should appear expedient and salutary, to create a Court of Justice, with criminal and Admiralty jurisdiction, for the trial of offences committed by His said Majesty's subjects within the dominions of the Emperor of China, and the ports and havens thereof, and on the high seas within 100 miles of the coast of China; and to appoint one of the superintendents in the said Act mentioned to be the officer to hold such Court, and other officers for executing the process thereof:

And whereas, in pursuance of the said Act, and in execution of the powers thereby in His said late Majesty in Council in that behalf vested, it was, by an order, dated the 9th day of December, 1833, ordered by His said late Majesty, by and with the advice of his Privy Council, that there should be a Court of Justice, with criminal and Admiralty jurisdiction, for the purposes aforesaid; which Court should be holden at Canton, in the said dominions, or on board any British ship or vessel in the port or harbour of Canton; and that the said Court should be holden by the Chief Superintendent for the time being, appointed, or to be appointed, by His said late Majesty, under and in pursuance of the said Act of Parliament:

And whereas it is expedient that the said Court of Justice should henceforth be holden in the island of Hong-Kong; now, therefore, in further pursuance of the said Act, and of the powers thereby in Her Majesty in Council in that behalf vested, and of all other powers to Her Majesty belonging, or in any wise appertaining, it is hereby ordered by Her Majesty, by and with the advice of her Privy Council, that the said Court shall henceforth be holden in the island of Hong-Kong, and that the same shall have and exercise jurisdiction for the trial of offences committed by Her Majesty's subjects within the said island, and within the dominions of the Emperor of China, and the ports and havens thereof, and on the high seas within 100 miles of the coast of China; and it is hereby further ordered, that the said Court shall be holden by the Chief Superintendent for the time being ap-

pointed or to be appointed by Her Majesty, under and in pursuance of the said Act :

And Her Majesty, by and with the advice of her said Council, doth hereby confirm, in all other respects, the said Order of His said late Majesty in Council, dated the 9th December, 1833.

And the Right Honourable the Earl of Aberdeen, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions therein accordingly.

C. C. GREVILLE.

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BRITISH ORDER IN COUNCIL, RESTRICTING THE TRADE OF BRITISH SUBJECTS WITH CHINA TO CERTAIN CHINESE PORTS.—24th February, 1843.

At the Court at Buckingham Palace, the 24th day of February, 1843.

*Present* :—The Queen's Most Excellent Majesty in Council.

WHEREAS by an Act, passed in the session of Parliament holden in the third and fourth year of the reign of His late Majesty King William the Fourth, intituled, " An Act to Regulate the Trade to China and India," it was, amongst other things, enacted, that it should and might be lawful for His Majesty, by any such order or orders, Commission or Commissions, as to His Majesty in Council should appear expedient and salutary, to give to the superintendents in the said Act mentioned, or to any of them, powers and authorities over, and in respect of, the trade and commerce of His Majesty's subjects within any part of the dominions of the Emperor of China, and to make and issue directions and regulations touching the said trade and commerce, and for the government of His Majesty's subjects within the said dominions, and to impose penalties, forfeitures, or imprisonments, for the breach of any such directions or regulations, to be enforced in such manner as in the said order or orders should be specified :

Now, therefore, Her Majesty is pleased, by and with the advice of her Privy Council, to prohibit, and doth hereby prohibit, her subjects from resorting, for the purpose of trade and commerce, to any other ports in the dominions of the Emperor of China than those of Canton, Amoy, Foo-chow-foo, Ningpo, and Shanghai, or than may be in the occupation of Her Majesty's forces ; and Her Majesty is pleased to order, that any of her subjects, committing a breach or violation of this direction shall, upon conviction thereof in any of Her Majesty's Courts of Record or Vice-Admiralty, be for every such offence liable to a penalty not exceeding £100, or to imprisonment, for a term not exceeding three months, at the discretion of the Court before which the conviction shall

take place ; and Her Majesty is hereby further pleased to order, that all proceedings which may be had under this order shall be, as far as circumstances will permit, in conformity with the law of England.

And the Right Honourable the Earl of Aberdeen, and the Right Honourable Lord Stanley, two of Her Majesty's Principal Secretaries of State ; the Lords Commissioners of Her Majesty's Treasury ; and the Commissioners for executing the office of Lord High Admiral ; are to give the necessary directions herein as to them may respectively appertain.

WM. L. BATHURST.

TREATY OF PEACE AND FRIENDSHIP BETWEEN HER MAJESTY AND THE EMPEROR OF CHINA, SIGNED (IN THE ENGLISH AND CHINESE LANGUAGES), AT NANKING, AUGUST 29, 1842.

*[Ratifications exchanged at Hong Kong, June 26, 1843.]*

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of China, being desirous of putting an end to the misunderstandings and consequent hostilities which have arisen between the two countries, have resolved to conclude a treaty for that purpose, and have therefore named as their Plenipotentiaries, that is to say :

Her Majesty the Queen of Great Britain and Ireland, Sir Henry Pottinger, Bart., a Major-General in the service of the East India Company, &c., &c. ;

And His Imperial Majesty the Emperor of China, the High Commissioners Keying, a Member of the Imperial House, a Guardian of the Crown Prince, and General of the garrison of Canton ; and Elepoo, of the Imperial Kindred, graciously permitted to wear the insignia of the first rank, and the distinction of a peacock's feather, lately Minister and Governor-General, &c., and now Lieutenant-General commanding at Chapoo : \*

Who, after having communicated to each other their respective full powers, and found them to be in good and due form, have agreed upon and concluded the following articles :—

*Article 1.* There shall henceforward be peace and friendship between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the Emperor of China, and between their respective subjects, who shall enjoy full security and protection for their persons and property within the dominions of the other.

\* Although only two Chinese Plenipotentiaries are here named, the Treaty was in fact signed by three.

*Article 2.* His Majesty the Emperor of China agrees, that British subjects, with their families and establishments, shall be allowed to reside, for the purpose of carrying on their mercantile pursuits, without molestation or restraint, at the cities and towns of Canton, Amoy, Foo-chow-foo, Ningpo, and Shanghai; and Her Majesty the Queen of Great Britain, &c., will appoint Superintendents, or Consular Officers, to reside at each of the above-named cities or towns, to be the medium of communication between the Chinese authorities and the said merchants, and to see that the just duties and other dues of the Chinese Government, as hereafter provided for, are duly discharged by Her Britannick Majesty's subjects.

*Article 3.* It being obviously necessary and desirable that British subjects should have some port whereat they may careen and refit their ships when required, and keep stores for that purpose, His Majesty the Emperor of China cedes to Her Majesty the Queen of Great Britain, &c., the Island of Hong Kong, to be possessed in perpetuity by Her Britannick Majesty, her heirs and successors, and to be governed by such laws and regulations as Her Majesty the Queen of Great Britain, &c., shall see fit to direct.

*Article 4.* The Emperor of China agrees to pay the sum of six millions of dollars, as the value of the opium which was delivered up at Canton in the month of March, 1839, as a ransom for the lives of Her Britannick Majesty's Superintendent and subjects, who had been imprisoned and threatened with death by the Chinese high officers.

*Article 5.* The Governor of China having compelled the British merchants trading at Canton to deal exclusively with certain Chinese merchants, called Hong merchants or (Co-Hong), who had been licensed by the Chinese Government for that purpose, the Emperor of China agrees to abolish that practice in future at all ports where British merchants may reside, and to permit them to carry on their mercantile transactions with whatever persons they please; and His Imperial Majesty further agrees to pay to the British Government the sum of three millions of dollars, on account of debts due to British subjects by some of the said Hong merchants, or Co-Hong, who have become insolvent, and who owe very large sums of money to subjects of Her Britannick Majesty.

*Article 6.* The Government of Her Britannick Majesty having been obliged to send out an expedition to demand and obtain redress for the violent and unjust proceedings of the Chinese high authorities towards Her Britannick Majesty's officer and subjects, the Emperor of China agrees to pay the sum of twelve millions of dollars, on account of the expences incurred; and Her Britannick Majesty's Plenipotentiary voluntarily agrees, on behalf of Her Majesty, to deduct from the

said amount of twelve millions of dollars, any sums which may have been received by Her Majesty's combined forces, as ransom for cities and towns in China, subsequent to the 1st day of August, 1841.

*Article 7.*—It is agreed that the total amount of twenty-one millions of dollars, described in the three preceding Articles, shall be paid as follows :—

Six millions immediately.

Six millions in 1843 ; that is, three millions on or before the 30th of the month of June, and three millions on or before the 31st of December.

Five millions in 1844 ; that is, two millions and a half on or before the 30th of June, and two millions and a half on or before the 31st of December.

Four millions in 1845 ; that is, two millions on or before the 30th of June, and two millions on or before the 31st of December.

And it is further stipulated, that interest, at the rate of five per cent. per annum, shall be paid by the Government of China on any portion of the above sums that are not punctually discharged at the periods fixed.

*Article 8.*—The Emperor of China agrees to release, unconditionally, all subjects of Her Britannic Majesty (whether natives of Europe or India), who may be in confinement at this moment in any part of the Chinese Empire.

*Article 9.*—The Emperor of China agrees to publish and promulgate, under His Imperial sign manual and seal, a full and entire amnesty and act of indemnity to all subjects of China, on account of their having resided under, or having had dealings and intercourse with, or having entered the service of, Her Britannic Majesty, or of Her Majesty's officers ; and His Imperial Majesty further engages to release all Chinese subjects who may be at this moment in confinement for similar reasons.

*Article 10.*—His Majesty the Emperor of China agrees to establish at all the ports which are, by the second article of this Treaty, to be thrown open for the resort of British merchants, a fair and regular Tariff of export and import customs and other dues, which Tariff shall be publicly notified and promulgated for general information ; and the Emperor further engages, that when British merchandise shall have once paid at any of the said ports the regulated customs and dues, agreeable to the Tariff to be hereafter fixed, such merchandise may be conveyed by Chinese merchants to any province or city in the interior of the Empire of China, on paying a further amount as transit duties, which shall not exceed\* per cent. on the Tariff value of such goods.

\* See Declaration on this subject, which follows the Treaty.

*Article 11.*—It is agreed that Her Britannic Majesty's Chief High Officer in China shall correspond with the Chinese High Officers, both at the capital and in the provinces, under the term "communication;" the subordinate British Officers and Chinese High Officers in the provinces, under the terms "statement" on the part of the former, and on the part of the latter, "declaration," and the subordinates of both countries on a footing of perfect equality: merchants and others not holding official situations, and therefore not included in the above, on both sides, to use the term "representation" in all papers addressed to, or intended for the notice of, the respective Governments.

*Article 12.*—On the assent of the Emperor of China to this Treaty being received, and the discharge of the first instalment of money, Her Britannic Majesty's forces will retire from Nanking and the Grand Canal, and will no longer molest or stop the trade of China. The military post at Chinhai will also be withdrawn; but the Islands of Koolangsoo, and that of Chusan, will continue to be held by Her Majesty's forces until the money payments, and the arrangements for opening the ports to British merchants, be completed.

*Article 13.*—The Ratification of this Treaty by Her Majesty the Queen of Great Britain, &c., and his Majesty the Emperor of China, shall be exchanged as soon as the great distance which separates England from China will admit; but in the meantime, counterpart copies of it, signed and sealed by the Plenipotentiaries on behalf of their respective Sovereigns, shall be mutually delivered, and all its provisions and arrangements shall take effect.

Done at Nanking, and signed and sealed by the Plenipotentiaries on board Her Britannic Majesty's ship "Cornwallis," this Twentieth Day of August, 1842; corresponding with the Chinese date, Twenty-fourth Day of the Seventh Month, in the Twenty-second Year of Taoukwang.

(L.S.)            HENRY POTTINGER,  
Her Majesty's Plenipotentiary.

And also the Signatures and Seals of Three  
Chinese Plenipotentiaries.

#### DECLARATION RESPECTING TRANSIT DUTIES.

*[Signed in the English and Chinese Languages.]*

WHEREAS by the Tenth Article of the Treaty between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of China, concluded and signed on board

Her Britannic Majesty's ship "Cornwallis," at Nanking, on the Twenty-ninth Day of August, 1842, corresponding with the Chinese date Twenty-fourth Day of the Seventh Month, in the Twenty-second Year of Taoukwang, it is stipulated and agreed, that His Majesty the Emperor of China shall establish at all the ports which, by the Second Article of the said Treaty, are to be thrown open for the resort of British merchants, a fair and regular Tariff of export and import customs and other dues, which Tariff shall be publicly notified and promulgated for general information; and further, that when British merchandise shall have once paid, at any of the said ports, the regulated customs and dues, agreeably to the Tariff to be hereafter fixed, such merchandise may be conveyed by Chinese merchants to any province or city in the interior of the Empire of China, on paying a further amount of duty as transit duty;

And whereas the rate of transit duty to be so levied was not fixed by the said Treaty;

Now, therefore, the undersigned Plenipotentiaries of her Britannic Majesty, and of His Majesty the Emperor of China, do hereby, on proceeding to the exchange of the ratifications of the said Treaty, agree and declare, that the further amount of duty to be so levied on British merchandise, as transit duty, shall not exceed the present rates, which are upon a moderate scale; and the ratifications of the said Treaty are exchanged subject to the express declaration and stipulation herein contained.

In witness whereof the respective Plenipotentiaries have signed the present Declaration, and have affixed thereto their respective seals.

Done at Hong-Kong, the Twenty-sixth Day of June, One Thousand Eight Hundred and Forty-three, corresponding with the Chinese date, Taoukwang, Twenty-third Year, Fifth Month, and Twenty-ninth Day.

(L.S.)

HENRY POTTINGER.

Seal and Signature of Chinese Plenipotentiary.

#### TARIFF OF DUTIES ON THE FOREIGN TRADE WITH CHINA.

*Established in pursuance of Article X. of the Treaty.*

##### EXPORTS.

		T.	M.	C.	C.
1. Alum	per 100 catties	0	1	0	0
2. Aniseed, Star	ditto	0	5	0	0
Ditto, Oil of	ditto	5	0	0	0
3. Arsenic	ditto	0	7	5	0
4. Bangles (or Glass Armlets)	ditto	0	5	0	0

		T. M. C. C.
5. Bamboo Screens and Bamboo Ware of all kinds	per 100 catties.	0 2 0 0
6. Brass Leaf	ditto	1 5 0 0
7. Building Materials		Duty free.
8. Bone and Horn Ware	per 100 catties	1 0 0 0
9. Camphor	ditto	1 5 0 0
10. Canes of all kinds	per thousand	0 5 0 0
11. Capoor Cutchery	per 100 catties	0 3 0 0
12. Cassia	ditto	0 7 5 0
Ditto Buds	ditto	1 0 0 0
Ditto Oil	ditto	5 0 0 0
13. China Root	ditto	0 2 0 0
14. China Ware, all kinds	ditto	0 5 0 0
15. Clothes (ready made)	ditto	0 5 0 0
16. Copper Ware, Pewter ditto, &c.	ditto	0 5 0 0
17. Corals (or False Coral)	ditto	0 5 0 0
18. Crackers and Fire-works of all kinds	ditto	0 7 5 0
19. Cubebs	ditto	1 5 0 0
20. Fans (as Feather Fans, &c.)	ditto	1 0 0 0
21. Furniture of all kinds	ditto	0 2 0 0
22. Galingal	ditto	0 1 0 0
23. Gamboge	ditto	2 0 0 0
24. Glass, and Glass Ware of all kinds	ditto	0 5 0 0
25. Glass Beads	ditto	0 5 0 0
26. Glue (as Fish-glue, &c.)	ditto	0 5 0 0
27. Grass Cloth, all kinds	ditto	1 0 0 0
28. Hartall	ditto	0 5 0 0
29. Ivory Ware, all kinds	ditto	5 0 0 0
30. Kittysols, or Paper Umbrellas	ditto	0 5 0 0
31. Lacquered Ware, all kinds	ditto	1 0 0 0
32. Lead (White Lead)	ditto	0 2 5 0
33. Lead (Red Lead)	ditto	0 5 0 0
34. Marble Slabs	ditto	0 2 0 0
35. Mats (straw, rattan, bamboo, &c., &c.)	ditto	0 2 0 0
36. Mother o' Pearl Ware	ditto	1 0 0 0
37. Musk	per catty	0 5 0 0
38. Nankeen, and Cotton Cloth of all kinds	per 100 catties	1 0 0 0
39. Pictures, viz., large Paintings	each	0 1 0 0
Rice Paper Pictures	per 100 pictures	0 1 0 0
40. Paper Fans	per 100 catties	0 5 0 0
41. Paper of all kinds	ditto	0 5 0 0
42. Pearls (i. e., false Pearls)	ditto	0 5 0 0
43. Preserves and Sweetmeats of all kinds	ditto	0 5 0 0
44. Rattan work of all kinds	ditto	0 2 0 0
45. Rhubarb	ditto	1 0 0 0
46. Silk, Raw, whether from Chekiang, Canton, or elsewhere, all kinds	ditto	10 0 0 0
Coarse, or refuse of Silk	ditto	2 5 0 0
Organzine, all kinds	ditto	10 0 0 0
Ribbons, Thread, &c., &c.	ditto	10 0 0 0
Silk Piece goods of all kinds, as Silks, Satins, Pongees, Velvets, Crapes, Lutestrings, &c., &c.	ditto	12 0 0 0

N.B.—The additional Duty of so much per piece, hitherto levied, to be henceforth abolished.



		T.	M.	C.	C.
47. Silk and Cotton mixtures, Silk and Woollen mixtures, and goods of such classes .	per 100 catties	3	0	0	0
48. Shoes and Boots, of Leather, Satin, or otherwise . . . . .	ditto	0	2	0	0
49. Sandal Wood Ware . . . . .	ditto	1	0	0	0
50. Soy . . . . .	ditto	0	4	0	0
51. Silver and Gold Ware . . . . .	ditto	10	0	0	0
52. Sugar, white and brown . . . . .	ditto	0	2	5	0
53. Sugar Candy, all kinds . . . . .	ditto	0	8	5	0
54. Tin Foil . . . . .	ditto	0	5	0	0
55. Tea . . . . .	ditto	2	5	0	0
56. Tobacco of all kinds . . . . .	ditto	0	2	0	0
57. Turmeric . . . . .	ditto	0	2	0	0
58. Tortoise-shell Ware . . . . .	ditto	10	0	0	0
59. Trunks (of Leather) . . . . .	ditto	0	2	0	0
60. Treasure, i.e., Coin of all kinds . . . . .			Free.		
61. Vermilion . . . . .	ditto	8	0	0	0

[Articles unenumerated in this Tariff, to pay a duty of 5 per cent. ad valorem.]

## IMPORTS.

		T.	M.	C.	C.
1. Assafoetida . . . . .	per 100 catties	1	0	0	0
2. Bees' Wax . . . . .	ditto	1	0	0	0
3. Betel Nut . . . . .	ditto	0	1	5	0
4. Bicho de Mar, first quality, or blk. . . . .	ditto	0	8	0	0
Bicho de Mar, second quality, or wht. . . . .	ditto	0	2	0	0
5. Birds' Nests, first quality, cleaned . . . . .	ditto	5	0	0	0
Birds' Nests, second quality, good middling . . . . .	ditto	2	5	0	0
Birds' Nests, third quality, uncleaned . . . . .	ditto	0	5	0	0
6. Camphor (Malay), first quality, clean . . . . .	per catty	1	0	0	0
Camphor, second quality, refuse . . . . .	ditto	0	5	0	0
7. Cloves, first quality, picked . . . . .	per 100 catties	1	5	0	0
Ditto, second ditto, mother . . . . .	ditto	0	5	0	0
8. Clocks, Watches, Spy-glasses, all kinds of Writing-desks, Dressing-boxes, Cutlery, Perfumery, &c., &c. . . . .					
9. Canvas, 30 a 40 yards long, 24 a 31 inches wide . . . . .	per piece	0	5	0	0
10. Cochineal . . . . .	per 100 catties	5	0	0	0
11. Cornelians . . . . .	per 100 stones	0	5	0	0
Ditto, Beads . . . . .	per 100 catties	10	0	0	0
12. Cotton . . . . .	ditto	0	4	0	0
13. Cotton Manufactures, viz. : . . . . .					
Long Cloths, white, 30 a 40 yards long, 30 a 36 inches wide . . . . .	per piece	0	1	5	0
Cambricks and Muslins, 20 a 24 yards long, 40 a 46 inches wide . . . . .	ditto	0	1	5	0
Grey or Unbleached Cottons, viz. : . . . . .					
Long Cloths, Domestics, &c., &c., 30 a 40 yards long, 28 a 40 inches wide . . . . .	ditto	0	1	0	0
Grey Twilled Cottons, 30 a 40 yards long, 28 a 40 inches wide . . . . .	ditto	0	1	0	0
Chintz and Prints of all kinds, 20 a 30 yards long, 26 a 31 inches wide . . . . .	ditto	0	2	0	0

5 per cent. ad valorem.

		T.	M.	C.	C.
Handkerchiefs under 1 yard square . . . . .	each	0	0	1	0
Handkerchiefs above 1 yard square . . . . .	ditto	0	0	1	5
Ginghams, Pullicates, Dyed Cottons, Velveteens, Silk and Cotton Mixtures, Woollen and Cotton Mixtures, and all kinds of Fancy Goods not in current consumption . . . . .	5 per cent. <i>ad valorem</i> .				
14. Cotton Yarn and Cotton Thread . . . . .	per 100 catties	1	0	0	0
15. Cow Bezoar . . . . .	per catty	1	0	0	0
16. Cutch . . . . .	per 100 catties	0	3	0	0
17. Elephants' Teeth, first quality, whole . . . . .	ditto	4	0	0	0
Elephants' Teeth, second quality, broken . . . . .	ditto	2	0	0	0
18. Fish Maws . . . . .	ditto	1	5	0	0
19. Flints . . . . .	ditto	0	0	5	0
20. Glass, Glass Ware, and Crystal Ware, of all kinds . . . . .	5 per cent. <i>ad valorem</i> .				
21. Gambier . . . . .	per 100 catties	0	1	5	0
22. *Ginseng, first quality . . . . .	ditto	38	0	0	0
Ditto, second ditto, or refuse . . . . .	ditto	3	5	0	0
23. Gold and Silver Thread:—first quality, or real . . . . .	per catty	0	1	3	0
Second ditto, or imitation . . . . .	ditto	0	0	3	0
24. Gums, Benjamin . . . . .	per 100 catties	1	0	0	0
Olibanum . . . . .	ditto	0	5	0	0
Myrrh . . . . .	ditto	0	5	0	0
Gums, unenumerated . . . . .	10 per cent. <i>ad valorem</i> .				
25. Horns, Bullocks and Buffalos' . . . . .	per 100 catties	2	0	0	0
26. Horns, Unicorns' or Rhinoceros' . . . . .	ditto	3	0	0	0
27. Linen, fine, as Irish or Scotch, yards long, inches wide . . . . .	per piece	0	5	0	0
Coarse Linen, as Linen and Cotton Mixtures, Silk and Linen Mixtures, &c., &c. . . . .	5 per cent. <i>ad valorem</i> .				
28. Mace, or Flower of Nutmeg . . . . .	per 100 catties	1	0	0	0
29. Mother of Pearl Shells . . . . .	ditto	0	2	0	0
30. Metals, viz.:—					
Copper, manufactured, as in pigs . . . . .	ditto	1	0	0	0
Copper, manufactured, as in sheets, rods . . . . .	ditto	1	5	0	0
Iron, unmanufactured, as in pigs . . . . .	ditto	0	1	0	0
Iron, manufactured, as in bars, rods, &c. . . . .	ditto	0	1	5	0
Lead in pigs, or manufactured . . . . .	ditto	0	4	0	0
Quicksilver . . . . .	ditto	3	0	0	0
Steel, unmanufactured . . . . .	ditto	0	4	0	0
Tin . . . . .	ditto	1	0	0	0
Tin plates . . . . .	ditto	0	4	0	0
Unenumerated Metals . . . . .	10 per cent. <i>ad valorem</i> .				
31. Nutmegs, first quality, or cleaned . . . . .	per 100 catties	2	0	0	0
Nutmegs, second quality, or uncleaned . . . . .	ditto	1	0	0	0
32. Pepper . . . . .	ditto	0	4	0	0
33. Putchuck . . . . .	ditto	0	7	5	0
34. Rattans . . . . .	ditto	0	2	0	0
35. Rice, Paddy, and Grain of all kinds . . . . .					Duty Free.

\* Altered as follows on the 16th November, 1843:

	T.	M.		T.	M.
Ginseng, first quality . . . . .	18	0	×	7	6
Ditto, second ditto . . . . .	3	5	×	2	8
				10	4

		T.	M.	C.	C.
36. Rose Maloes . . . . .	per 100 catties	1	0	0	0
37. Saltpetre (to be sold to Government Agents only) . . . . .	ditto	0	3	0	0
38. Sharks' Fins, first quality, or White . . . . .	ditto	1	0	0	0
Sharks' Fins, second quality, or Black . . . . .	ditto	0	5	0	0
39. Skins and Furs, viz.:—					
Cow and Ox Hides, tanned and untanned . . . . .	ditto	0	5	0	0
Sea Otter Skins . . . . .	each	1	5	0	0
Fox Skins, large . . . . .	ditto	0	1	5	0
Fox Skins, small . . . . .	ditto	0	0	7	5
Tiger, Leopard, and Martin Skins . . . . .	ditto	0	1	5	0
Land Otter, Raccoon, and Sharks' Skins . . . . .	per hundred	2	0	0	0
Beaver Skins . . . . .	ditto	5	0	0	0
Hare, Rabbit, and Ermine . . . . .	ditto	0	5	0	0
40. Smalts . . . . .	per 100 catties	4	0	0	0
41. Soap . . . . .	ditto	0	5	0	0
42. Stock Fish, &c. . . . .	ditto	0	4	0	0
43. Sea Horse Teeth . . . . .	ditto	2	0	0	0
44. Treasure and Money of all kinds . . . . .					Free.
45. Wine, Beer, Spirits, &c.—					
In Quart Bottles . . . . .	per 100 bottles	1	0	0	0
In Pint ditto . . . . .	ditto	0	5	0	0
In Cask . . . . .	per 100 catties	0	5	0	0
46. Woods, namely:					
Ebony . . . . .	ditto	0	1	5	0
Sandal Wood . . . . .	ditto	0	5	0	0
Sapan Wood . . . . .	ditto	0	1	0	0
Unenumerated Woods . . . . .	10 per cent. <i>ad valorem</i> .				
47. Woollen Manufactures, viz.:—					
Broad Cloths, Spanish Stripes, Habit Cloth, &c., 51 a 64 inches wide . . . . .	per Chang of 141 inches	0	1	5	0
Long Ells, Cassimeres, Flannel, and narrow Cloths of this description . . . . .	per Chang of 141 inches	0	0	7	0
Blankets of all kinds . . . . .	each	0	1	0	0
Dutch Camlets . . . . .	per Chang of 141 inches	0	1	5	0
Camlets . . . . .	ditto	0	0	7	0
Imitation ditto, Bombazettes, &c. . . . .	ditto	0	0	3	5
Bunting (narrow) . . . . .	ditto	0	0	1	5
Unenumerated Woollen Goods, or Silk and Woollen, and Cotton and Woollen Mixtures, &c. . . . .	5 per cent. <i>ad valorem</i> .				
48. Woollen Yarn . . . . .	per 100 catties	3	0	0	0

[All Articles unenumerated in this Tariff, 5 per cent. *ad valorem*.]

**GENERAL REGULATIONS, under which the British Trade is to be conducted at the Five Ports of Canton, Amoy, Foochowfoo, Ningpo, and Shanghai.**

**I. Pilots.**—Whenever a British merchantman shall arrive off any of the five ports opened to trade, viz., Canton, Foochowfoo, Amoy, Ningpo, or Shanghai, pilots shall be allowed to take her immediately into port; and, in like manner, when such British ship shall have settled all legal

duties and charges, and is about to return home, pilots shall be immediately granted to take her out to sea, without any stoppage or delay.

Regarding the remuneration to be given these pilots, that will be equitably settled by the British Consul appointed to each particular port, who will determine it with due reference to the distance gone over, the risk run, &c.

II. *Custom-house Guards*.—The Chinese Superintendent of Customs at each port will adopt the means that he may judge most proper to prevent the revenue suffering by fraud or smuggling. Whenever the pilot shall have brought any British merchantman into port, the Superintendent of Customs will depute one or two trusty Custom-house officers, whose duty it will be to watch against frauds on the revenue. These will either live in a boat of their own, or stay on board the English ship, as may best suit their convenience. Their food and expenses will be supplied them from day to day from the Custom-house, and they may not exact any fees whatever from either the commander or consignee. Should they violate this regulation, they shall be punished proportionately to the amount so exacted.

III. *Masters of Ships reporting themselves on arrival*.—Whenever a British vessel shall have cast anchor at any one of the above-mentioned ports, the captain will, within four and twenty hours after arrival, proceed to the British Consulate, and deposit his ship's papers, bills of lading, manifest, &c., in the hands of the Consul; failing to do which, he will subject himself to a penalty of two hundred dollars.

For presenting a false manifest, the penalty will be five hundred dollars.

For breaking bulk and commencing to discharge, before due permission shall be obtained, the penalty will be five hundred dollars, and confiscation of the goods so discharged.

The Consul, having taken possession of the ship's papers, will immediately send a written communication to the Superintendent of Customs, specifying the register tonnage of the ship, and the particulars of the cargo she has on board; all of which being done in due form, permission will then be given to discharge, and the duties levied as provided for in the tariff.

IV. *Commercial dealings between English and Chinese merchants*.—It having been stipulated that English merchants may trade with whatever native merchants they please,—should any Chinese merchant fraudulently abscond, or incur debts which he is unable to discharge, the Chinese authorities, upon complaint being made thereof, will of course do their utmost to bring the offender to justice; it must, however, be distinctly understood, that if the defaulter really cannot be found, or be dead, or bankrupt, and there be not wherewithal to pay,

the English merchants may not appeal to the former custom of the Hong merchants paying for one another, and can no longer expect to have their losses made good to them.

V. *Tonnage dues*.—Every English merchantman, on entering any one of the above-mentioned five ports, shall pay tonnage-dues at the rate of five mace per register-ton, in full of all charges. The fees formerly levied on entry and departure, of every description, are henceforth abolished.

VI. *Import and export duties*.—Goods, whether imported into, or exported from, any one of the above-mentioned five ports, are henceforward to be taxed according to the tariff as now fixed and agreed upon, and no further sums are to be levied beyond those which are specified in the tariff; all duties incurred by an English merchant-vessel, whether on goods imported or exported, or in the shape of tonnage-dues, must first be paid up in full; which done, the Superintendent of Customs will grant a port-clearance, and this being shown to the British Consul, he will thereupon return the ship's papers, and permit the vessel to depart.

VII. *Examination of goods at the Custom-house*.—Every English merchant, having cargo to load or discharge, must give due intimation thereof, and hand particulars of the same to the Consul, who will immediately dispatch a recognized linguist of his own establishment to communicate the particulars to the Superintendent of Customs, that the goods may be duly examined, and neither party subjected to loss. The English merchant must also have a properly qualified person on the spot to attend to his interests when his goods are being examined for duty, otherwise, should there be complaints, these cannot be attended to.

Regarding such goods as are subject by the tariff to an *ad valorem* duty, if the English merchant cannot agree with the Chinese officer in fixing a value, then each party shall call two or three merchants to look at the goods, and the highest price at which any of these merchants would be willing to purchase, shall be assumed as the value of the goods.

To fix the tare on any article, such as tea; if the English merchant cannot agree with the Custom-house officer, then each party shall choose so many chests out of every hundred, which being first weighed in gross, shall afterwards be tared, and the average tare upon these chests shall be assumed as the tare upon the whole; and upon this principle shall the tare be fixed upon all other goods in packages.

If there should still be any disputed points which cannot be settled, the English merchant may appeal to the Consul, who will communicate the particulars of the case to the Superintendent of Customs, that it

may be equitably arranged. But the appeal must be made on the same day, or it will not be regarded. While such points are still open, the Superintendent of Customs will delay to insert the same in his books, thus affording an opportunity that the merits of the case may be duly tried and sifted.

VIII. *Manner of paying the Duties.*—It is hereinbefore provided, that every English vessel that enters any one of the five ports, shall pay all duties and tonnage-dues before she be permitted to depart. The Superintendent of Customs will select certain shroffs, or banking establishments, of known stability, to whom he will give licences, authorizing them to receive duties from the English merchants on behalf of Government, and the receipt of these shroffs for any moneys paid them shall be considered as a Government voucher. In the paying of these duties, different kinds of foreign money may be made use of; but as foreign money is not of equal purity with sycee silver, the English Consuls appointed to the different ports will, according to time, place, and circumstances, arrange with the Superintendents of Customs at each, what coins may be taken in payment, and what per-centage may be necessary to make them equal to standard or pure silver.

IX. *Weights and Measures.*—Sets of balance-yards for the weighing of goods, of money-weights, and of measures, prepared in exact conformity to those hitherto in use at the Custom-house of Canton, and duly stamped and sealed in proof thereof, will be kept in possession of the Superintendent of Customs, and also at the British Consulate at each of the five ports, and these shall be the standards by which all duties shall be charged, and all sums paid to Government. In case of any dispute arising between British merchants and Chinese officers of Customs, regarding the weights or measures of goods, reference shall be made to these standards, and disputes decided accordingly.

X. *Lighters or Cargo Boats.*—Whenever any English merchant shall have to load or discharge cargo, he may hire whatever kind of lighter or cargo-boat he pleases; and the sum to be paid for such boat can be settled between the parties themselves, without the interference of Government. The number of these boats shall not be limited, nor shall a monopoly of them be granted to any parties. If any smuggling take place in them, the offenders will of course be punished according to law. Should any of these boat-people, while engaged in conveying goods for English merchants, fraudulently abscond with the property, the Chinese authorities will do their best to apprehend them; but, at the same time, the English merchants must take every due precaution for the safety of their goods.

XI. *Transshipment of Goods.*—No English merchant-ships may transship goods without special permission: should any urgent case happen

where transshipment is necessary, the circumstances must first be submitted to the Consul, who will give a certificate to that effect, and the Superintendent of Customs will then send a special officer to be present at the transshipment. If any one presumes to transship without such permission being asked for and obtained, the whole of the goods so illicitly transshipped will be confiscated.

**XII. Subordinate Consular Officers.**—At any place selected for the anchorage of the English merchant-ships, there may be appointed a subordinate Consular officer, of approved good conduct, to exercise due control over the seamen and others. He must exert himself to prevent quarrels between the English seamen and natives, this being of the utmost importance. Should anything of the kind unfortunately take place, he will in like manner do his best to arrange it amicably. When sailors go on shore to walk, officers shall be required to accompany them; and should disturbances take place, such officers will be held responsible. The Chinese officers may not impede natives from coming alongside the ships to sell clothes or other necessities to the sailors living on board.

**XIII. Disputes between British Subjects and Chinese.**—Whenever a British subject has reason to complain of a Chinese, he must first proceed to the Consulate and state his grievance; the Consul will thereupon inquire into the merits of the case, and do his utmost to arrange it amicably. In like manner, if a Chinese have reason to complain of a British subject, he shall no less listen to his complaint, and endeavour to settle it in a friendly manner. If an English merchant have occasion to address the Chinese authorities, he shall send such address through the Consul, who will see that the language is becoming; and, if otherwise, will direct it to be changed, or will refuse to convey the address. If, unfortunately, any disputes take place of such a nature that the Consul cannot arrange them amicably, then he shall request the assistance of a Chinese officer, that they may together examine into the merits of the case, and decide it equitably. Regarding the punishment of English criminals, the English Government will enact the laws necessary to attain that end, and the Consul will be empowered to put them in force; and regarding the punishment of Chinese criminals, these will be tried and punished by their own laws, in the way provided for by the correspondence which took place at Nanking, after the concluding of the peace.

**XIV. British Government Cruisers anchoring within the Ports.**—An English Government cruiser will anchor within each of the five ports, that the Consul may have the means of better restraining sailors and others, and preventing disturbances. But these Government cruisers are not to be put on the same footing as merchant-vessels; for, as

they bring no merchandise, and do not come to trade, they will of course pay neither dues nor charges. The Resident Consul will keep the Superintendent of Customs duly informed of the arrival and departure of such Government cruisers, that he may take his measures accordingly.

XV. *On the Security to be given for British Merchant-Vessels.*—It has hitherto been the custom, when an English vessel entered the port of Canton that a Chinese Hong merchant stood security for her, and all duties and charges were paid through such security-merchant; but these security-merchants being now done away with, it is understood, that the British Consul will henceforth be security for all British merchant-ships entering any of the aforesaid five ports.

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6 & 7 VICTORIÆ REGINÆ. CAP. LXXX.

*An Act for the better Government of Her Majesty's subjects resorting to China.* [22nd August, 1843.]

3 & 4 W. 4. c. 93. WHEREAS an Act was passed in the Fourth Year of the Reign of His late Majesty, intituled An Act to regulate the Trade to China and India, whereby certain powers were vested in officers therein described as "Superintendents of the Trade of His Majesty's subjects to and from the dominions of the Emperor of China:" And whereas, for giving full effect to the purposes of the said Act, it is necessary that provision be made for the establishment from time to time of regulations for the Government of Her Majesty's subjects resorting to China, and it is expedient that such regulations should originate with some local authority cognizant of the actual circumstances and exigencies of such Her Majesty's subjects, and of the trade carried on by them in China: And whereas, Her Majesty hath been pleased, by a commission under the Great Seal of the United Kingdom, to establish a Legislative Council to make laws for the peace, order, and good government of Her Majesty's subjects, being within Her Majesty's island of Hong-Kong, and to constitute and appoint as governor of the said island the officer invested under the said recited Act with the office of chief superintendent of the trade of Her Majesty's subjects to and from China: Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the



Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That it shall be lawful for Her Majesty, by any commission or commissions under the Great Seal of the United Kingdom, or by any instructions under Her Majesty's signet and sign manual accompanying and referred to in any such commission or commissions, to authorize the superintendent of the trade of Her Majesty's subjects in China (so long as such superintendent shall be also the governor of the said Island of Hong-Kong) to enact, with the advice of the Legislative Council of the said Island of Hong-Kong, all such laws and ordinances as may from time to time be required for the peace, order, and good government of Her Majesty's subjects being within the dominions of the Emperor of China, or being within any ship or vessel at a distance of not more than one hundred miles from the coast of China, and to enforce the execution of such laws and ordinances by such penalties and forfeitures as to him, by the advice aforesaid, shall seem fit; and that it shall also be lawful for Her Majesty, by any such commission or commissions or instructions as aforesaid, to impose upon the exercise of the before-mentioned Legislative Authority all such conditions and limitations as Her Majesty shall see fit to prescribe; and that it shall also be lawful for Her Majesty to disallow, in the whole or in part, any laws or ordinances so to be enacted as aforesaid, and, with the advice of Her Majesty's Privy Council, to alter the same or any of them as to Her Majesty in Council shall seem meet.

II. And be it enacted, That it shall be lawful for Her Majesty, by any commission or warrant under Her Royal sign manual, to make such provision as to Her Majesty may seem fit for the temporary exercise of the duties of the said Chief Superintendent in the event of a vacancy occurring in that office by death, resignation, or otherwise, and that the provisions herein contained respecting the said Chief Superintendent shall be taken to apply to the person or persons for the time being exercising the duties of Chief Superintendent under such commission or warrant.

III. And be it enacted, That it shall also be lawful for Her Majesty, by any order or orders made with the advice of Her Majesty's Privy Council, to ordain, for the Government of Her Majesty's subjects being within the dominions of the Emperor of China, or being within any ship or vessel

Her Majesty may authorize the Chief Superintendent of Trade to make ordinances for Her Majesty's subjects in China.

Provision for temporary vacancy in the office of Superintendent.

Her Majesty may make ordinances for Her Majesty's subjects in China.

at a distance of not more than one hundred miles from the coast of China, any law or ordinance which to Her Majesty in Council may seem meet, as fully and effectually as any such law or ordinance could be made by Her Majesty in Council for the Government of Her Majesty's subjects being within the said Island of Hong-Kong.

Commis-  
sions and or-  
dinances to  
be laid before  
Parliament.

IV. And be it enacted, That all such commissions and instructions and orders in Council as aforesaid, and all laws and ordinances so to be made as aforesaid, shall be laid before both Houses of Parliament as soon as conveniently may be after the making and enacting thereof respectively.

Repeal of  
part of  
3 & 4 W. 4.  
c. 93.

V. And be it enacted, That when and so soon as any such commission or commissions as aforesaid shall have been received at the said Island of Hong-Kong by the superintendent and governor aforesaid, or by the officer for the time being in the administration of the said superintendence and government, so much of the said recited Act as relates to the powers and authorities to be exercised by the superintendents therein mentioned over and in respect of the trade and commerce of Her Majesty's subjects within any part of the dominions of the Emperor of China, or as relates to the making and issuing directions and regulations touching the said trade and commerce, and for the government of Her Majesty's subjects within the said dominions, and as relates to the imposition of penalties, forfeitures, or imprisonments for the breach of any such directions and regulations, or as relates to the creation of a Court of Justice for the trial of offences committed by Her Majesty's subjects, as therein mentioned, shall be repealed: Provided nevertheless, that all things theretofore done in pursuance of the said recited Act shall be of the same validity and effect as if this Act had not been passed.

Limitation  
of actions.

VI. And be it enacted, That every suit or action which shall be brought against any person for anything done in pursuance of this Act shall be commenced within six calendar months after the fact committed, and not afterwards, except where the cause of action shall have arisen in any place not within the jurisdiction of any of Her Majesty's Courts having civil jurisdiction, and then within six calendar months after the plaintiff and defendant shall have been both within the jurisdiction of any such Court; and every such action or suit shall be brought in the place where the cause of action shall have arisen, and not elsewhere, except where

the cause of action shall have arisen in any place not within the jurisdiction of any of Her Majesty's Courts having civil jurisdiction; and the defendant shall be entitled to the like notice, and shall have the like privilege of tendering amends to the plaintiff, or his agent or attorney, as is provided in actions brought against any Justice of the Peace for any Act done by him in the execution of his office.

VII. And be it enacted, That this Act may be amended <sup>Act may be</sup> or repealed by any Act to be passed in this Session of <sup>amended.</sup> Parliament.

SUPPLEMENTARY TREATY BETWEEN HER MAJESTY AND THE EMPEROR  
OF CHINA.

*Signed at Hoomun-Chæ, October 8, 1843.*

WHEREAS a Treaty of perpetual Peace and Friendship between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of China, was concluded at Nanking, and signed on board Her said Majesty's ship "Cornwallis," on the 29th day of August, A.D. 1842, corresponding with the Chinese date of the 24th day of the seventh month, of the 22nd year of Taoukwang, of which said Treaty of perpetual peace and friendship the ratifications, under the respective seals and signs manual of the Queen of Great Britain, &c., and the Emperor of China, were duly exchanged at Hong-Kong on the 26th day of June, A.D., 1843, corresponding with the Chinese date, the 29th day of the fifth month, in the 23rd year of Taoukwang; and whereas in the said Treaty it was provided (amongst other things), that the five ports of Canton, Foochowfoo, Amoy, Ningpo, and Shanghai, should be thrown open for the resort and residence of British merchants, and that a fair and regular Tariff of Export and Import duties, and other dues, should be established at such ports; and whereas various other matters of detail, connected with, and bearing relation to the said Treaty of perpetual peace and friendship, have been since under the mutual discussion and consideration of the Plenipotentiary and accredited Commissioners of the High Contracting Parties; and the said Tariff and details having been now finally examined into, adjusted, and agreed upon, it has been determined to arrange and record them in the form of a Supplementary Treaty of Articles, which Articles shall be held to be as binding, and of the same efficacy, as though they had been inserted in the original Treaty of perpetual peace and friendship.\*

*Article 1.*—The Tariff of Export and Import duties, which is here-

\* Vide Tariff, page 195.

unto attached under the seals and signatures of the respective Plenipotentiary and Commissioners, shall henceforward be in force at the five ports of Canton, Foochowfoo, Amoy, Ningpo, and Shanghai.

*Article 2.*—The General Regulations of Trade,\* which are hereunto attached under the seals and signatures of the respective Plenipotentiary and Commissioners, shall henceforward be in force at the five aforementioned ports.

*Article 3.*—All penalties enforced or confiscations made under the third clause of the said General Regulations of Trade, shall belong and be appropriated to the public service of the Government of China.

*Article 4.*—After the five ports of Canton, Foo-chow-foo, Amoy, Ningpo, and Shanghai, shall be thrown open, English merchants shall be allowed to trade only at those five ports. Neither shall they repair to any other ports or places, nor will the Chinese people at any other ports or places be permitted to trade with them. If English merchant-vessels shall, in contravention of this agreement, and of a proclamation to the same purport, to be issued by the British Plenipotentiary, repair to any other ports or places, the Chinese Government Officers shall be at liberty to seize and confiscate both vessels and cargoes; and should Chinese people be discovered clandestinely dealing with English merchants at any other ports or places, they shall be punished by the Chinese Government in such manner as the law may direct.

*Article 5.*—The fourth clause of the General Regulations of Trade, on the subject of commercial dealings and debts between English and Chinese merchants, is to be clearly understood to be applicable to both parties.

*Article 6.*—It is agreed that English merchants and others residing at, or resorting to, the five ports to be opened, shall not go into the surrounding country beyond certain short distances to be named by the local authorities, in concert with the British Consul, and on no pretence for purposes of traffic. Seamen and persons belonging to the ships shall only be allowed to land under authority and rules which will be fixed by the Consul, in communication with the local officers; and should any persons whatever infringe the stipulations of this Article, and wander away into the country, they shall be seized and handed over to the British Consul for suitable punishment.

*Article 7.*—The Treaty of perpetual Peace and Friendship provides for British subjects and their families residing at the cities and towns of Canton, Foo-chow-foo, Amoy, Ningpo, and Shanghai, without molestation or restraint. It is accordingly determined that ground and houses, the rent or price of which is to be fairly and equitably arranged for, according to the rates prevailing amongst the people, without exaction on either side, shall be set apart by the local officers,

\* Vide page 199.

in communication with the Consul, and the number of houses built, or rented, will be reported annually to the said local officers by the Consul, for the information of their respective Viceroys and Governors; but the number cannot be limited, seeing that it will be greater or less, according to the resort of merchants.

*Article 8.*—The Emperor of China having been graciously pleased to grant to all foreign countries whose subjects or citizens have hitherto traded at Canton the privilege of resorting for purposes of trade to the other four ports of Foo-chow-foo, Amoy, Ningpo, and Shanghai, on the same terms as the English, it is further agreed, that should the Emperor hereafter, from any cause whatever, be pleased to grant additional privileges or immunities to any of the subjects or citizens of such foreign countries, the same privileges and immunities will be extended to, and enjoyed by, British subjects; but it is to be understood, that demands or requests are not on this plea to be unnecessarily brought forward.

*Article 9.*—If lawless natives of China, having committed crimes or offences against their own Government shall flee to Hong-Kong, or to the English ships of war, or English merchant-ships for refuge, they shall, if discovered by the English officers, be handed over at once to the Chinese officers for trial and punishment; or if, before such discovery be made by the English officers, it should be ascertained or suspected by the officers of the Government of China whether such criminals and offenders have fled, a communication shall be made to the proper English officer, in order that the said criminals and offenders may be rigidly searched for, seized, and, on proof or admission of their guilt, delivered up. In like manner, if any soldier or sailor, or any other person, whatever his caste or country, who is a subject of the Crown of England, shall, from any cause or on any pretence, desert, fly, or escape into the Chinese territory, such soldier, or sailor, or other person, shall be apprehended and confined by the Chinese Authorities, and sent to the nearest British Consular or other Government officer. In neither case shall concealment or refuge be afforded.

*Article 10.*—At each of the five ports to be opened to British merchants, one English cruiser will be stationed to enforce good order and discipline amongst the crews of merchant shipping, and to support the necessary authority of the Consul over British subjects. The crew of such ship of war will be carefully restrained by the officer commanding the vessel, and they will be subject to all the rules regarding going on shore and straying into the country, that are already laid down for the crews of merchant-vessels. Whenever it may be necessary to relieve such ships of war by another, intimation of that intention will be com-

municated by the Consul, or by the British Superintendent of trade, where circumstances will permit, to the local Chinese authorities, lest the appearance of an additional ship should excite misgivings amongst the people; and the Chinese cruisers are to offer no hindrance to such relieving ship, nor is she to be considered liable to any port-charges, or other rules laid down in the general regulations of trade, seeing that British ships of war never trade in any shape.

*Article 11.*—The posts of Chusan and Koolangsoo will be withdrawn, as provided for in the treaty of perpetual peace and friendship, the moment all the monies stipulated for in that treaty shall be paid; and the British Plenipotentiary distinctly and voluntarily agrees, that all dwelling-houses, store-houses, barracks, and other buildings that the British troops or people may have occupied, or intermediately built or repaired, shall be handed over, on the evacuation of the posts, exactly as they stand, to the Chinese authorities, so as to prevent any pretence for delay, or the slightest occasion for discussion or dispute on those points.

*Article 12.*—A fair and regular tariff of duties and other dues having now been established, it is to be hoped that the system of smuggling which has heretofore been carried on between English and Chinese merchants—in many cases with the open connivance and collusion of the Chinese Custom-house officers—will entirely cease; and the most peremptory proclamation to all English merchants has been already issued on this subject by the British Plenipotentiary, who will also instruct the different Consuls to strictly watch over, and carefully scrutinize, the conduct of all persons, being British subjects, trading under his superintendence. In any positive instance of smuggling transactions coming to the Consul's knowledge, he will instantly apprise the Chinese authorities of the fact, and they will proceed to seize and confiscate all goods, whatever their value or nature, that may have been so smuggled, and will also be at liberty, if they see fit, to prohibit the ship from which the smuggled goods were landed, from trading further, and to send her away, as soon as her accounts are adjusted and paid. The Chinese Government officers will, at the same time, adopt whatever measures they may think fit with regard to the Chinese merchants and Custom-house officers, who may be discovered to be concerned in smuggling.

*Article 13.*—All persons, whether natives of China or otherwise, who may wish to convey goods from any one of the five ports of Canton, Foochowfoo, Amoy, Ningpo, and Shanghai, to Hong-Kong, for sale or consumption, shall be at full and perfect liberty to do so, on paying the duties on such goods, and obtaining a pass, or port clearance, from the Chinese Custom-house at one of the said ports. Should natives of

China wish to repair to Hong-Kong to purchase goods, they shall have free and full permission to do so ; and should they require a Chinese vessel to carry away their purchases, they must obtain a pass, or port clearance, for her at the Custom-house of the port whence the vessel may sail for Hong-Kong. It is further settled, that in all cases these passes are to be returned to the officers of the Chinese Government, as soon as the trip for which they may be granted shall be completed.

*Article 14.*—An English officer will be appointed at Hong-Kong, one part of whose duty will be to examine the registers and passes of all Chinese vessels that may repair to that port to buy or sell goods ; and should such officer at any time find that any Chinese merchant-vessel has not a pass, or register, from one of the five ports, she is to be considered as an unauthorised or smuggling vessel, and is not to be allowed to trade, whilst a report of the circumstance is to be made to the Chinese authorities. By this arrangement, it is to be hoped that piracy and illegal traffic will be effectually prevented.

*Article 15.*—Should natives of China, who may repair to Hong-Kong to trade, incur debts there, the recovery of such debts must be arranged for by the English Courts of Justice on the spot ; but if the Chinese debtor shall abscond and be known to have property, real or personal, within the Chinese territory, the rule laid down in the fourth clause of the General Regulations for Trade shall be applied to the case ; and it will be the duty of the Chinese authorities, on application by, and in concert with, the British Consuls, to do their utmost to see justice done between the parties. On the same principle, should a British merchant incur debts at any of the five ports, and fly to Hong-Kong, the British authorities will, on receiving an application from the Chinese Government officers, accompanied by statements and full proofs of the debts, institute an investigation into the claims, and, when established, oblige the defaulter or debtor to settle them to the utmost of his means.

*Article 16.*—It is agreed, that the Custom-house officers at the five ports shall make a monthly return to Canton, of the passes granted to vessels proceeding to Hong-Kong, together with the nature of their cargoes ; and a copy of these returns will be embodied in one return, and communicated once a month to the proper English officer at Hong-Kong. The said English officer will, on his part, make a similar return or communication to the Chinese authorities at Canton, showing the names of Chinese vessels arrived at Hong-Kong, or departed from that port, with the nature of their cargoes ; and the Canton authorities will apprise the Custom-houses at the five ports, in order that, by these arrangements and precautions, all clandestine and illegal trade, under the cover of passes, may be averted.

*17th, or additional Article.*—*Relating to British Small Craft.*—Various



small vessels belonging to the English nation, called schooners, cutters, lorchas, &c., &c., have not hitherto been chargeable with tonnage dues. It is now agreed, in relation to this class of vessels which ply between Hong-Kong and the city, and the city and Macao, that if they only carry passengers, letters, and baggage, they shall, as heretofore, pay no tonnage dues; but if these small craft carry any dutiable articles, no matter how small the quantity may be, they ought, in principle, to pay their full tonnage dues. But this class of small craft are not like the large ships which are engaged in foreign trade; they are constantly coming and going; they make several trips a month, and are not like the large foreign ships, which, on entering the port, cast anchor at Whampoa. If we were to place them on the same footing as the large foreign ships, the charge would fall unequally; therefore after this, the smallest of these craft shall be rated at 75 tons, and the largest not to exceed 150 tons; whenever they enter the port (or leave the port with cargo) they shall pay tonnage dues at the rate of one mace per ton register. If not so large as 75 tons, they shall still be considered and charged as of 75 tons; and if they exceed 150 tons, they shall be considered as large foreign ships, and, like them, charged tonnage dues, at the rate of five mace per register ton. Foo-chow-foo and the other ports having none of this kind of intercourse, and none of this kind of small craft, it would be unnecessary to make any arrangement as regards them.

The following are the rules by which they are to be regulated:

1st. Every British schooner, cutter, lorcha, &c., shall have a sailing letter or register in Chinese and English, under the seal and signature of the chief superintendent of trade, describing her appearance, burthen, &c., &c.

2nd. Every schooner, lorcha, and such vessel, shall report herself, as large vessels are required to do, at the Bocca Tigris; and when she carries cargo, she shall also report herself at Whampoa, and shall, on reaching Canton, deliver up her sailing letter or register to the British Consul, who will obtain permission from the Hoppo for her to discharge her cargo, which she is not to do without such permission, under the forfeiture of the penalties laid down in the 3rd clause of the general regulations of trade.

3rd. When the inward cargo is discharged, and an outward one (if intended) taken on board, and the duties on both arranged and paid, the Consul will restore the register or sailing letter, and allow the vessel to depart.

This supplementary treaty, to be attached to the original treaty of peace, consisting of sixteen articles, and one additional article relating to small vessels, is now written out, forming, with its accompaniments,



four pamphlets, and is formally signed and sealed by their excellencies the British Plenipotentiary, and the Chinese Imperial Commissioner, who, in the first instance, take two copies each, and exchange them, that their provisions may be immediately carried into effect. At the same time, each of these high functionaries, having taken his two copies, shall duly memorialize the Sovereign of his nation; but the two countries are differently situated as respects distance, so that the will of the one Sovereign can be known sooner than the will of the other. It is now therefore agreed, that on receiving the gracious assent of the Emperor in the vermilion pencil, the Imperial Commissioner will deliver the very document containing it into the hands of his Excellency Hwang, Judge of Canton, who will proceed to such place as the Plenipotentiary may appoint, and deliver it to the English Plenipotentiary to have and to hold. Afterwards, the sign manual of the Sovereign of England having been received at Hong-Kong, likewise graciously assenting to and confirming the treaty, the English Plenipotentiary will despatch a specially appointed officer to Canton, who will deliver the copy containing the royal sign manual to his Excellency Hwang, who will forward it to the Imperial Commissioner, as a rule and a guide to both nations for ever, and as a solemn confirmation of our peace and friendship.

A most important supplementary treaty.

Signed and sealed at Hoomun-Chae, on the Eighth day of October, 1843, corresponding with the Chinese date of the Fifteenth day of the Eighth moon, of the 23rd year of Taoukwang.

(L.S.)            HENRY POTTINGER.

Seal and Signature of Chinese Plenipotentiary.

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*Proclamation issued by Sir Henry Pottinger.*

SIR HENRY POTTINGER, Bart., G.C.B., Her Britannic Majesty's Plenipotentiary, &c., &c., in China, has the gratification to announce, for the general information and guidance of all subjects of Her said Majesty, that he has concluded and sealed, with the High Commissioner appointed by His Imperial Majesty the Emperor of China to treat with him, a Commercial Treaty, stipulated for in the definitive treaty of peace, signed at Nanking on the 29th day of August, 1842, and the ratifications of which definitive treaty of peace have been lately exchanged under the Sign Manual and Seals of Her Majesty

the Queen of Great Britain and Ireland, &c., and His Majesty the Emperor of China.

Her Britannic Majesty's Plenipotentiary, &c., now publishes the export and import tariff, and the regulations of trade, which have been, after the most searching scrutiny and examination, fixed and finally agreed upon, and which tariff and regulations of trade are to be promulgated in Chinese, simultaneously with this proclamation, accompanied by a proclamation on the part of the Imperial Commissioner, &c.

Her Britannic Majesty's Plenipotentiary, &c., trusts, that the provisions of the commercial treaty will be found in practice mutually advantageous, beneficial, and just, as regards the interests, the honour, and the future augmented prosperity of the Governments of the two Mighty Contracting Empires, and their subjects: and his Excellency most solemnly and urgently calls upon all subjects of the British Crown, individually and collectively, by their allegiance to their Sovereign, by their duty to their country, by their own personal reputation, respect, and good name, and by the integrity and honesty which is due from them as men, to the imperial rights of the Emperor of China, not only to strictly conform and act up to the said provisions of the commercial treaty, but to spurn, decry, and make known to the world, any base, unprincipled, and traitorous overtures which they, or their agents or employes, may receive from, or which may be in any shape made to them, by any subject of China—whether officially connected with the Government, or not—towards entering into any collusion or scheme for the purpose of evading, or acting in contravention of, the said provisions of the commercial treaty.

Her Britannic Majesty's Plenipotentiary, &c., will not allow himself to anticipate or suppose, that the appeal which he now makes to all Her Majesty's subjects will be unheeded, or overlooked, by even a single individual; but at the same time it is his duty, in the responsible and unprecedented situation in which he has been placed by the course of events, to distinctly intimate, that he is determined, by every means at his disposal, to see the provisions of the commercial treaty fulfilled by all who choose to engage in future in commerce with China; and that in any case where he may receive well-grounded representations from Her Majesty's Consuls, or from the Chinese authorities, that such provisions of the Commercial Treaty have been evaded (or have been attempted to be so), he will adopt the most stringent and decided measures against the offending parties; and where his present powers may not fully authorize and sanction such measures as may seem to him fitting, he will respectfully trust that the Legislature of Great Britain will hold him indemnified for adopt-

ing them, in an emergency directly compromising the national honour, dignity, and good faith in the estimation of the Government of China, and in the eyes of all other nations.

GOD SAVE THE QUEEN.

Dated at Government-House, at Victoria, Hong-Kong,  
this 22nd day of July, 1843.

HENRY POTTINGER.

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*Proclamation issued by the Imperial Commissioner, &c.*

KEYING, High Commissioner, &c., &c., Kekung, Governor-General, &c., and Ching-yuet-sai, Governor, &c., issue this Proclamation for the purpose of giving clear information and commands.

Whereas, when the English had last year ceased from hostilities, our august Sovereign granted them commercial intercourse at Canton and at four other ports, and was graciously pleased to sanction the Treaty that had been concluded: the ratifications of that Treaty have now therefore been exchanged, and commercial regulations have been agreed upon, and a Tariff of Duties, wherein all fees and presents are abolished, has been distinctly settled. These, as soon as the High Commissioner, with the Governor-General and Governor, shall have received the replies of the Board of Revenue, shall be promulgated, and shall become the rules to be observed in the various ports. The Tariff of Duties will then take effect with reference to the commerce with China of all countries, as well as of England.

Henceforth, then, the weapons of war shall for ever be laid aside, and joy and profit shall be the perpetual lot of all; neither slight nor few will be the advantages reaped by the merchants, alike of China and of foreign countries. From this time forward all must free themselves from prejudice and suspicions, pursuing each his proper avocation, and careful always to retain no inimical feelings from the recollection of the hostilities that have before taken place. For such feelings and recollections can have no other effect than to hinder the growth of a good understanding between the two people.

With regard to Foo-chow-foo, Amoy, Ningpo, and Shanghai, the four ports which, by His Imperial Majesty's gracious permission, are now newly opened for trade, it is requisite that the replies of the Board of Revenue should be received before the commerce of those ports should be actually thrown open. But Canton has been a mart for English trade during more than two centuries past; and, therefore, the new regulations having been decided upon, they ought at once to be

brought into operation, that the far-travelled merchants may not be any longer detained in the outer seas, disappointed in all their anticipations. The High Commissioner, the Governor-General, and the Governor, have, therefore, in concert with the Superintendent of Customs, determined, in fulfilment of their august Sovereign's gracious desire to cherish tenderly men from afar, that a commencement shall be made with the opening of the Port of Canton under the new regulations, on the 1st of the 7th month. The wishes of the merchants will thus, it is hoped, be met.

The Island of Hong-Kong having been, by the gracious pleasure of His august Majesty, granted as a place of residence to the English nation, the merchants of that nation, who will proceed from thence to the various ports, will be numerous; and such vessels as they may engage to convey them to and fro will, therefore, be required to lie under no restrictions, but merely to accept engagements at fair and just rates. If, however, such passengers convey goods in the same boats with the view of evading the dues of Government, they shall be subject to such fines as the law shall direct. Should merchants of China desire to proceed to the Island of Hong-Kong aforesaid, to trade, they will be required only to report themselves to the next custom-house, and to pay the duties on their merchandise according to the new Tariff, obtaining a pass before they quit port to commence their traffick. Any who may dare to go and trade without having requested such a pass, on discovery shall be dealt with as offenders of the laws against clandestine traffic, and against contumacious visiting of the open seas.

As to those natives of China who, in past days, may have served the English soldiery or others with supplies, and may have been apprehended in consequence, the High Commissioner has obtained from the good favour of his august Sovereign, vast and boundless as that of Heaven itself, the remission of their punishment for all past deeds; and any such who may not yet have been brought to trial are therefore no longer to be sought after, while all who may have been seized and brought before Government are granted a free pardon. All persons of this class must then attend quietly to their avocations, with a diligent pursuit of everything that is good and right: they need entertain no apprehension of being hereafter dragged forward, nor yield in consequence to any fears or suspicions.

With reference to the arrangements which the High Commissioner and his colleagues have made in regard to duties, everything has been done with a single eye to a just impartiality: all merchants, then, whether of China or of foreign countries, are called upon to consider the many pains that the High Commissioner and his colleagues

have taken, and by all means to abide in the quiet pursuit of their respective callings, and in the enjoyment of so auspicious a peace. From henceforward amity and goodwill shall ever continue, and those from afar and those who are near shall perpetually rejoice together. Such is the fervent hope of the High Commissioner and his colleagues; and in this hope they command implicit obedience to what is now thus specially promulgated.

A true Translation,

(Signed)

J. ROBT. MORRISON,  
*Chinese Secretary and Interpreter.*

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ORDER IN COUNCIL.

At the Court at Buckingham Palace, the 17th of April, 1844.

*Present* :—The Queen's Most Excellent Majesty in Council.

WHEREAS, by a certain Act of Parliament made and passed in the session of Parliament holden in the sixth and seventh years of Her Majesty's reign, intituled "An Act for the better Government of Her Majesty's subjects resorting to China," it is amongst other things enacted, that it shall be lawful for Her Majesty, by any Order or Orders made with the advice of Her Majesty's Privy Council, to ordain, for the government of Her Majesty's subjects being within the dominions of the Emperor of China, or being within any ship or vessel at a distance of not more than one hundred miles from the coast of China, any law or ordinance which to Her Majesty in Council may seem meet, as fully and effectually as any such law or ordinance could be made by Her Majesty in Council for the government of Her Majesty's subjects being within the Island of Hong-Kong : And whereas, by a certain other Act of Parliament made and passed in the session of Parliament holden as aforesaid, intituled "An Act to remove doubts as to the exercise of power and jurisdiction by Her Majesty within divers countries and places out of Her Majesty's dominions, and to render the same more effectual," it is amongst other things enacted, that it is and shall be lawful for Her Majesty to hold, exercise, and enjoy, any power or jurisdiction which Her Majesty now hath, or may at any time hereafter have, within any country or place out of Her Majesty's dominions, in the same and as ample a manner as if Her Majesty had acquired such power or jurisdiction by the cession or

conquest of territory: And whereas, Her Majesty hath power and jurisdiction in the dominions of the Emperor of China; Now, therefore in pursuance of the above-recited Acts, or either of them, Her Majesty is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, that Her Majesty's Consuls and Vice-Consuls resident within the said dominions, or such other persons as by warrant under the hand and seal of the Chief Superintendent of the trade of Her Majesty's subjects in China for the time being shall be appointed to act provisionally as Consuls or Vice-Consuls, shall severally in the districts within which they may respectively be appointed to reside, have and hold all necessary power and authority to exercise jurisdiction over British subjects within such districts as aforesaid, for the repression and punishment of crimes and offences by them committed within the dominions of the Emperor of China, and for the arrangement and settlement of all and all manner of differences, contentions, suits, and variances that may or shall happen to arise between them or any of them; and shall moreover have power and authority, as far as in them lies, to compose and settle all and all manner of differences, contentions, suits, and variances that may or shall happen to arise between British subjects and the subjects of the Emperor of China, and between British subjects and the subjects of any Foreign Power, and which may be brought before them for settlement: And whereas by the above first-recited Act, it is enacted, that it shall be lawful for Her Majesty, by any Commission or Commissions under the Great Seal of the United Kingdom, or by any instructions under Her Majesty's signet and sign manual, accompanying and referred to in any such commission or commissions, to authorize the Superintendent of the trade of Her Majesty's subjects in China (so long as such Superintendent shall be also governor of the island of Hong-Kong), to enact with the advice of the Legislative Council of the said island of Hong-Kong, all such laws and ordinances as may from time to time be required for the peace, order, and good government of Her Majesty's subjects being within the dominions of the Emperor of China, or being within any ship or vessel at a distance of not more than one hundred miles from the coast of China, and to enforce the execution of such laws and ordinances by such penalties and forfeitures, as to him, by the advice aforesaid, shall seem fit: And whereas Her Majesty has been pleased to grant such commission as aforesaid to John Francis Davis, Esq., appointed by Her Majesty Superintendent of the trade of Her subjects in China, or the Superintendent for the time being of such trade; Now therefore Her Majesty is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, that her Majesty's Consuls and Vice-Consuls in



China, or any persons acting provisionally as such Consuls or Vice-Consuls as aforesaid, shall in the exercise of the jurisdiction granted unto them by this present Order, be governed by such laws and ordinances in that behalf as may be enacted, in the manner and form aforesaid, by the Superintendent of the trade of Her Majesty's subjects in China for the time being, being the Governor of Hong-Kong. And in further exercise of the powers in Her Majesty vested by the above-recited Act for "Removing doubts as to the exercise of power and jurisdiction by Her Majesty within divers places out of Her dominions, and for rendering the same more effectual," Her Majesty is pleased, by and with the advice of Her Privy Council, to appoint the colony of Hong-Kong as the British colony wherein crimes and offences committed by British subjects within the dominions of the Emperor of China, which it may be expedient shall be enquired of, tried, determined, and punished within Her Majesty's dominions, shall be so enquired of, tried, determined, and punished; and that Her Majesty's Consuls, Vice-Consuls, or other persons provisionally acting as such under warrant from the Chief Superintendent of British trade in China, as aforesaid, shall have authority to cause any British subject, charged with the commission of any crime or offence, the cognizance whereof may at any time appertain to them, or any of them, to be sent for trial to the said Colony of Hong-Kong. And it is further ordered, that the Chief Justice of the Colony of Hong-Kong for the time being, or other person provisionally acting as such, shall, when duly required by the said Superintendent, proceed to the dominions of the Emperor of China, and shall have power and authority within the said dominions to enquire of, try, determine, and punish any crimes or offences committed by British subjects within the said dominions. And the Right Honourable the Earl of Aberdeen, and the Right Honourable Lord Stanley, two of Her Majesty's Principal Secretaries of State, are to give the necessary directions herein as to them may respectively appertain.

(Signed)

C. C. GREVILLE.

ORDINANCES PASSED IN THE YEAR 1844 BY THE CHIEF SUPER-  
INTENDENT OF BRITISH TRADE IN CHINA, WITH THE ADVICE  
OF THE LEGISLATIVE COUNCIL OF HONG-KONG, IN VIRTUE  
OF THE POWERS CONFERRED UPON HER MAJESTY BY THE  
ACT OF THE 6TH AND 7TH VICTORIA, CAP. 80.\*

*N.B. All the Ordinances are for Her Majesty's subjects  
within the dominions of the Emperor of China, or within any  
ship or vessel at a distance of not more than one hundred miles  
from the coast of China.*

No. 1.

Anno Sexto et Septimo Victoriae Reginae. (No. 1 of 1844.)

By His Excellency Sir Henry Pottinger, &c., &c.

Title.

An Ordinance to render Her Majesty's subjects within the  
dominions of the Emperor of China, or within any ship or  
vessel at a distance of not more than one hundred miles from  
the coast of China, subject in all matters to the law of Eng-  
land, and to extend the jurisdiction of the Courts of Justice  
at Hong-Kong over the same.

Preamble  
reciting  
powers given  
by Act 6 & 7  
Vict., c. 80.

[January 24, 1844.]

Law of Eng-  
land to ex-  
tend to all  
Her Ma-  
jesty's sub-  
jects within  
the domi-  
nions of the  
Emperor of  
China, or  
within any  
ship or ves-  
sel at a dis-  
tance of not  
more than  
one hundred  
miles from  
the coast of  
China.

Courts of  
Justice at  
Hong-Kong  
to have juris-  
diction over  
Her Ma-  
jesty's sub-  
jects within  
the domi-

1. Be it therefore enacted, by His Excellency the Governor  
of Hong-Kong and Superintendent of the trade of Her Ma-  
jesty's subjects in China, with the advice of the Legislative  
Council of Hong-Kong aforesaid, that from and after the  
passing of this ordinance, the law of England shall have the  
same force, virtue, power, and effect over Her Majesty's sub-  
jects within the dominions of the Emperor of China, or within  
any ship or vessel at a distance of not more than one hundred  
miles from the coast of China, in all matters whatsoever,  
whether civil or criminal, that it has over Her Majesty's said  
subjects actually within Her Majesty's colony of Hong-Kong.

2. And be it enacted, That the Courts of Justice at Hong-  
Kong, which are now, or shall be hereafter erected, shall have  
the same power, jurisdiction, and authority in all matters  
whatsoever, whether civil or criminal, over Her Majesty's  
subjects within the dominions of the Emperor of China, or  
within any ship or vessel at a distance of not more than one

\* Ordinances 2 and 3 were repealed by No. 1, 1847, and No. 2, 1846.



hundred miles from the coast of China, that the Courts aforesaid have, or shall have, over Her Majesty's subjects actually resident within Her Majesty's colony of Hong-Kong.

3. And be it enacted, in case of any murder, felony, robbery, theft, trespass, wrong, or crime whatsoever, being charged to have been done upon the person or property of any one whatsoever, within the dominions of the Emperor of China, or within any ship or vessel at a distance of not more than one hundred miles from the coast of China, by any of Her Majesty's subjects, that it shall not be lawful for the person charged therewith to object to the locality of the jurisdiction of the said Courts at Hong-Kong, but he shall be indicted, tried, convicted, and punished, or acquitted, or demeaned in all respects, as if the offence wherewith he may be charged had been committed within the colony of Hong-Kong, upon the body or property of a person within the peace of our Sovereign Lady the Queen.

nions of the Emperor of China, or within any ship or vessel at a distance of not more than one hundred miles from the coast of China.

No objection to be allowed against the locality of the jurisdiction of the Courts at Hong-Kong.

4. And for the prevention of doubts upon the subject, be it enacted, That the peninsula of Macao shall for the purposes of this ordinance and of all other ordinances made by virtue of the power hereinbefore mentioned, be deemed and taken to be within the dominions of the Emperor of China.

Macao to be deemed within the dominions of the Emperor of China for the purpose of this and other like ordinances.

(Signed) HENRY POTTINGER,

*Superintendent of Trade and Governor of Hong-Kong, &c.*

Passed the Legislative Council, on the 24th day of January, 1844.

(Signed) RICHARD BURGASS,

*Clerk of the Legislative Council.*

No. 4.

Anno Sexto et Septimo Victoriæ Reginæ. (No. 4 of 1844.)

By His Excellency Sir Henry Pottinger, &c., &c.

An Ordinance to restrain Her Majesty's subjects from trading in the Empire of China, to the northward of the 32nd degree of north latitude.

Title.

[March 20, 1844.]

Whereas, to secure the due observance of the treaties between the empires of Great Britain and China, it is expedient to confine the trade of Her Majesty's subjects to the limits included by the five ports in China provided by the said treaties for the same :

Preamble.

- Trade to the northward of the 32nd degree of north latitude to be unlawful.** 1. Be it therefore enacted by His Excellency the Governor of Hong-Kong, and Superintendent of the Trade of Her Majesty's subjects in China, with the advice of the Legislative Council of Hong-Kong, that all trade whatsoever by Her Majesty's subjects in, to, or from any part of the coast of China to the northward of the 32nd degree of north latitude, shall be, and is hereby declared to be unlawful.
- Conveying goods from forbidden limits.** 2. And be it enacted, if any subject of Her Majesty within the dominions of the Emperor of China, or within any ship or vessel at a distance of not more than one hundred miles from the coast of China, shall export, or carry, or contract for exporting, or carrying, or shall ship or embark, or contract for shipping and embarking, from, to, or in the limits aforesaid, any treasure, goods, or merchandize whatsoever, or shall fit out, man, navigate, equip, despatch, use, employ, let, or take to freight or on hire any vessel, or so contract in order to embark in the trade hereby declared unlawful, or shall knowingly and wilfully lend and advance or become security for, or contract for the lending or becoming security for, the loan of money or effects employed or to be employed in such trade as aforesaid, or shall knowingly and wilfully become guarantee and security for, or contract for guaranteeing any agent employed or to be employed in conducting such trade as aforesaid, or in any other manner engage or contract to engage, directly or indirectly therein, as a partner, agent, or otherwise, or shall knowingly and wilfully ship, transship, lade, receive, or put on board, or contract for shipping, goods, money, or effects to be employed in such trade as aforesaid, or shall take the charge of, or command, or navigate, or enter, or embark on board of any vessel, or contract to do so, as captain, master, mate, surgeon, or supercargo, knowing that the vessel is employed, or intended to be employed, in such unlawful trade as aforesaid, or shall knowingly and wilfully insure, or contract for the insuring of any property or effects whatsoever, employed or intended to be employed in such trade as aforesaid, then and in every such case the persons so offending shall forfeit a sum not exceeding ten thousand dollars, and in default of payment of such penalty shall be liable to be imprisoned for any term not exceeding two years.
- Fitting out vessels for unlawful trade.**
- Lending money to be employed in unlawful trade.**
- Guaranteeing Agents.**
- Engaging in any manner in unlawful trade.**
- Shipping goods, &c.**
- Navigating ship.**
- Insuring ship.**
- Penalties for above offence.**
- Penalty on seamen serving on board ships en-** 3. And be it enacted, if any person shall enter and embark on board of any ship or vessel as petty officer, seaman, marine, or servant, or in any other capacity, knowing that the

vessel is actually employed, or intended to be employed, in the trade hereby declared to be unlawful, such person so offending shall forfeit a sum not exceeding five hundred dollars, and in default of payment shall be liable to be imprisoned, with or without hard labour, for any period not exceeding three months.

4. And be it enacted, That if any person offending as a petty officer, seaman, marine, or servant, against any of the provisions of this ordinance, shall within one year after the offence give information on oath before a competent magistrate, against any person whatsoever who shall have committed any offence against this ordinance, and shall give evidence on oath against him before any magistrate or Court before whom such offender shall be tried, or if such petty officer, seaman, marine, or servant so offending, shall give information so that such offender shall be convicted, then and in such case such informer shall receive such part of any forfeited sum of money as is hereinafter provided, and shall not be liable to any of the pains or forfeitures provided by this ordinance.

gaged in unlawful trade.

Seamen giving information to be indemnified and rewarded.

5. And be it enacted, That the Superintendent of the trade of Her Majesty's subjects in China, and no other person whatsoever, unless duly authorized by him, shall commence, institute, and conduct all proceedings for any offence against this ordinance, which may be taken in Her Majesty's Courts in China.

Superintendent of Trade to control all proceedings.

6. And be it enacted, That it shall be lawful for the Superintendent of the Trade of Her Majesty's subjects in China to remit wholly or in part any penalty or forfeiture provided by this ordinance, and to award a part not exceeding one moiety of any sum forfeited by any offender convicted under the provisions of this ordinance, to any person who shall have given such information or assistance as shall have led to the conviction of such offender.

Superintendent of Trade to remit penalties and to reward informers and others.

7. And be it enacted, That it shall be lawful for any of Her Majesty's Consuls in China, or the Commanders of any of Her Majesty's ships within one hundred miles from the coast of China, or any other officers duly authorised in that behalf, to seize and send for adjudication to Hong-Kong any ship or vessel sailing under the British flag, the master whereof shall appear on sufficient grounds to such Consul, Commander, or other officer, to have offended against the provisions of this ordinance: Provided always, that the said

Ships to be seized.

Consuls, Commanders of Her Majesty's ships, and others, shall be specially instructed and authorised by the Superintendent of Trade aforesaid so to do, and that nothing herein contained shall be construed to give such power as aforesaid, without the said special instructions and authorization of the said Superintendent of Trade.

**Ships liable to be sold in satisfaction of penalties notwithstanding any transfer of property therein.**

8. And be it further enacted, That all ships or vessels sailing under the British flag, which shall have been employed in any way so as to offend against the provisions of this ordinance, shall, together with their cargoes be liable to be seized, and sold to satisfy any penalty incurred by such employment, and that all bills of sale, mortgages, and other transfers of property therein, made within three months after such vessel shall have been so unlawfully employed, or within three months from the time of any suit having commenced against the owner or master thereof, for any offence against this ordinance, or made at any time whatsoever to the knowledge of the purchaser, with the view to evade recovery of the penalties herein provided, shall against the said liability to be sold for the purposes aforesaid be void and of none effect.

**Rule for interpreting this and other ordinances.**

9. And be it enacted, That wherever this or any other ordinance, in describing or referring to the offence or the subject matter on or with respect to which it shall be committed, or the offender or the party affected with the offence, hath used or shall use words importing the singular number or the masculine gender only, yet the ordinance shall be understood to include several matters as well as one matter, and several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, unless it be otherwise specially provided, or there be something in the context repugnant to such construction.

(Signed) HENRY POTTINGER,  
*Superintendent of Trade, &c.*

Passed the Legislative Council, the 20th day of February, 1844.

(Signed) RICHARD BURGASS,  
*Clerk of the Legislative Council.*

No. 5.

Anno Sexto et Septimo Victoriæ Reginae. (No. 5 of 1844.)

By His Excellency Sir Henry Pottinger, &c., &c.

**Title.**

An Ordinance to carry into effect the Treaties between

Great Britain and China, and to indemnify Her Majesty's Consuls and all other persons in China who may have hitherto assisted therein.

[April 10, 1844.]

Whereas by the Treaties made and concluded between the Preamble.  
respective Empires of China and Great Britain (parts whereof are set forth in the Schedule to this Ordinance annexed), certain provisions are made to regulate the intercourse between the two nations: And whereas for the preservation of peace and amity, and the due observance of the said Treaties, it is expedient to punish offenders against the provisions thereof:

1. Be it therefore enacted by his Excellency the Governor of Hong-Kong and Superintendent of the Trade of Her Majesty's subjects in China, with the advice of the Legislative Council of Hong-Kong, That the parts of the said Treaties aforesaid shall be deemed and taken to be Ordinances for Her Majesty's subjects within the dominions of the Emperor of China, or within any ship or vessel at a distance of not more than one hundred miles from the coast of China, and shall have the same force and effect as if each and every part thereof had been severally enacted herein, and due obedience enjoined to. Treaties to have same effect as an ordinance.

2. And be it enacted, That the said Superintendent of Trade, and Her Majesty's Consuls in China, shall have full power and authority to enforce the due observance of the said Treaties, according to the provisions contained therein, and shall and may inflict all fines and penalties provided thereby in a summary manner, and shall have full power to levy the same by distress, and sale of the goods and chattels of any offender, or of the ship, its cargo and furniture, the owner, master, or any one or more of the crew whereof shall offend against the provisions of the said Treaties; and, in default of payment of any penalty, to commit any offender to prison for any time not exceeding four calendar months, or until the said penalty shall be paid. Superintendent of Trade and Consuls to levy fines on persons and ships offending against the provisions of the Treaties.

3. And it is hereby enacted, That the said Superintendent of Trade and Consuls, in addition to inflicting the said fines or penalties, shall possess full power and authority to arrest and detain all persons offending against the provisions of the said Treaties, and the ships or vessels owned, commanded, or navigated by such persons, and to imprison such persons until they shall find proper security for their good behaviour, Persons and ships offending to be detained until security given for good behaviour.

Consul to report detention of person or ship, or to send them to Hong-Kong.

or shall demand to be sent to Hong-Kong: Provided always, in case any such persons or vessel shall be arrested, detained, or imprisoned by any of Her Majesty's Consuls, that such Consul shall immediately report the same to the said Superintendent of Trade for his instructions therein, and may at his discretion, and shall, if required, by any person or by the master or owner of any vessel so detained, immediately send the said person or vessel in proper custody to Her Majesty's Colony of Hong-Kong.

Penalty for offending against provisions of Treaties to which no penalty is therein affixed.

4. And whereas the said Treaties contain certain provisions to be observed by Her Majesty's subjects in China, the infringement of which is not punishable by the law of England, or by any penalty mentioned therein, Be it therefore enacted, That it shall be lawful for the said Superintendent of Trade, or any of Her Majesty's Consuls in China, to punish in a summary way any infringement of such provisions as herein last aforesaid, by a fine not exceeding two hundred dollars, to be imposed and levied in like manner as hereinbefore provided by this Ordinance.

Double penalties to be imposed by Superintendent of Trade on flagrant offenders.

5. And whereas in cases of flagrant offences being committed against the provisions of the said Treaties, it may be expedient to inflict heavier fines or penalties on the offenders than are provided in the said Treaties or elsewhere in this Ordinance, Be it therefore enacted, That the Superintendent of Her Majesty's Trade in China shall have full power and authority to enforce and inflict in a summary way, double the amount of any fine or penalty which Her Majesty's said Consuls are by the said Treaties or elsewhere by this Ordinance authorised to inflict, which said double fines or penalties shall be recovered in like manner as hereinbefore provided by this Ordinance, and in default of payment, the offenders in like manner shall be liable to double the term of imprisonment in lieu thereof, or until the same shall be paid.

Regulations made by Superintendent of Trade to remain in force; Consuls to inflict penalties provided therein.

6. And it is hereby enacted, That all rules and regulations heretofore made and published by the said Superintendent of Trade, or by any former Superintendent or Superintendents of Trade, for the government of Her Majesty's subjects in China (except such parts thereof as may have been expressly annulled or repealed), shall continue to be in full force and effect; and that the said Consuls shall have full power and authority to enforce the same, and inflict all fines and penalties provided therein in a summary way, and

to levy the same in the like manner as hereinbefore mentioned.

7. And be it enacted, That the said Superintendent of Trade shall have full power to remit all or any part of all fines, forfeitures, or penalties herein mentioned, and the same shall (except when they are declared payable to the Chinese Government) be paid to Her Majesty, her heirs and successors, for the public purposes of the State and the maintenance thereof.

8. And for the protection of Her Majesty's Consuls in China, Be it enacted, That when any action shall be brought against any Consul, for any act done in obedience to the said regulations, or to any instructions of the said Superintendent of Trade, such Consul shall not be responsible for any irregularity in the issuing of such regulations or instructions, or for any want of authority in the said Superintendent to issue the same, and such Consul may plead the general issue, and give such regulations or instructions in evidence, and upon producing such regulations or instructions, and proving that they were issued by, or that the act complained of, was performed under the authority, or with the sanction of the said Superintendent of Trade, a verdict shall pass for the said Consul, who shall recover treble his costs of suit.

9. And for the protection of Commanders of Her Majesty's ships, and others acting at the requisition of the said Superintendent of Trade, or of any of Her Majesty's Consuls in China in enforcing the Treaties aforesaid, Be it enacted, That when any action shall be brought against any such Commander or other person, for any act done in conformity to the requisition of the said Superintendent of Trade or of such Consul, such Commander or other person shall not be responsible for any irregularity in the making of such requisition, or for any want of authority in the said Superintendent of Trade or Consul, to perform, or cause to be performed, the object of such requisition, and such Commander or other person may plead the general issue, and give such requisition in evidence, and upon producing such requisition, and proving that it was made by or under the authority of the said Superintendent of Trade or such Consul, or that the act complained of was done with the sanction of the said Superintendent or Consul, a verdict

shall pass for such Commander or other person who shall recover treble his costs of suit.

Actions to be brought in Hong-Kong within six months, and two months' notice thereof given. Defendant may tender amends and plaintiff shall not recover costs unless the Judge certifies.

10. And for the further protection of persons in China, acting in execution of this ordinance, or in carrying into effect the said Treaties or Regulations, Be it enacted, That all actions and prosecutions to be commenced against any person (except the Superintendent of Trade aforesaid) for anything done by such persons, shall be laid and tried in such Supreme Court of Judicature as may hereafter be erected in Hong-Kong, and not elsewhere, and shall be commenced within six months after the fact committed, or after the time when it shall first be possible for the plaintiff to commence such action and not otherwise, and notice in writing of such action, and of the cause thereof, shall be given to the defendant, two calendar months at least before the commencement of the action, and in any such action the defendant may plead the general issue, and give this or any Ordinance and the special matter in evidence at any trial to be had thereon, and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue such action after issue joined, or if upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover treble his costs of suit, and have the like remedy for the same as any defendant hath by law in other cases, and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge, before whom the trial shall be, shall certify his approbation of the action and of the verdict obtained thereon.

Indemnity to Consuls and others for acts hitherto performed in carrying Treaties or Regulations into effect.

11. And whereas doubts may arise as to the validity of acts done and performed by Her Majesty's Consuls, and by divers other persons in China, in the enforcement of the said Treaties and Regulations previous to the passing of this Ordinance, Be it therefore enacted, That Her Majesty's Consuls in China who may have acted under or by virtue of any regulation, instruction, order, direction or requisition of the said Superintendent of Trade, or of Her Majesty's Consuls in China, shall be indemnified, and every one



of them are hereby indemnified against, and freed, and discharged from all damages, penalties, or forfeitures to which they, or any one of them, may have heretofore, or may otherwise be liable for any act so done and performed.

12. And be it further enacted, That no act done or performed by any such Consul or other person aforesaid, shall be questioned or avoided in any court of law by reason of any supposed want of power or authority, and that all such acts so done and performed shall be, and they are declared to be as valid and effectual to all intents and purposes as if each of such Consuls or other persons had done and performed such acts under or by virtue of this ordinance. Such acts  
declared  
valid.

(Signed) HENRY POTTINGER,  
*Superintendent of Trade, &c.*

Passed the Legislative Council, the 10th day of April, 1844.

(Signed) RICHARD BURGASS.  
*Clerk of the Legislative Council.*

#### SCHEDULE TO WHICH THIS ORDINANCE REFERS.

[Vide Supplementary Treaty made at Hoomun-Chae, the 8th day of October, 1843, and General Regulations in Treaty of 26th June, 1843.]

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#### CIRCULAR RESPECTING CONSULAR JURISDICTION.

Victoria, Hong-Kong, November 22, 1844.

IN transmitting to you the accompanying Ordinance, by which the nature of the jurisdiction conferred upon you in matters of a criminal nature is further defined, and the manner in which such jurisdiction is to be exercised by you pointed out, I have to call your particular attention to the following observations :

The right of British Consular Officers to exercise any jurisdiction in China, in matters which in other countries come exclusively under the control of the local magistrates, depends originally on the extent to which that right has been conceded by the Emperor of China to the British Crown, and therefore the right is strictly limited to the terms in which the concession is made.

The right depends, in the next place, on the extent to which the Queen, in the exercise of the powers vested in Her Majesty by Act of

Parliament, may be pleased to grant to her Consular servants, through Her Majesty's Superintendent in China, authority to exercise jurisdiction over British subjects ; and therefore the Ordinances which may from time to time be issued are the only warrants for the proceedings of the Consuls, and exhibit the rules to which they must scrupulously adhere.

The state of things in China is an exception to the system universally observed among Christian nations, and almost identical with that which prevails at the British Consulates in the Levant. But the Emperor of China having, like the Sultans of Turkey, waived in favour of Christian Powers rights inherent in territorial sovereignty, such Christian Powers, in taking advantage of this concession, are bound to provide as far as possible against any injurious effects resulting from it to the territorial Sovereign ; and as the maintenance of order and the repression and punishment of crime are objects of the greatest importance in every civilized community, it is obligatory upon Christian Powers, standing as they do in China, with relation to their own subjects, in the place of the territorial Sovereign, to provide as far as possible for these great ends.

The present Ordinance, as well as others preceding it, has been issued for this purpose. But it is essential that Her Majesty's Consular Officers in China should bear in mind that, in conferring upon them powers of jurisdiction of such a comprehensive and unusual character, it is the desire of Her Majesty's Government that those powers should not be needlessly or lightly employed ; but that, on the contrary, whenever differences can be adjusted in a conciliatory manner, such a termination should be promoted and recommended, and that whenever crimes are to be punished, certain and speedy, rather than severe, punishment is to be preferred.

You will observe that three courses of proceeding are prescribed, viz., a summary decision ; a decision with the assistance of assessors chosen from the British community ; and a recourse to the criminal tribunal of Hong-Kong.

The object for which the jurisdiction is to be exercised, renders it unnecessary to deal with crimes according to the strict definition of English law, even if the means at the disposal of the Consuls, and the extent of legal knowledge which they can be expected to possess, admitted of such a course.

The utmost that it appears necessary to attempt in this respect is, that a rule should be laid down that an action which would be criminal in the British dominions should be equally considered as criminal in China. But in dealing with such criminal actions, regard must be had to local circumstances and necessities. In the British dominions, many

crimes unimportant in themselves must be dealt with, in consequence of the denomination by which they are distinguished, in the same formal manner as crimes of a more serious description. An insignificant theft, being a "felony," must in most cases be submitted to the decision of a jury, equally with the most extensive robbery. But this rule need not be adhered to in the Consular Courts in China. There all crimes of a trifling kind, under whatever legal denomination they may be classed, may safely be disposed of summarily by the Consul, and sufficiently atoned for by punishment within the limits prescribed by the Ordinance for the sole jurisdiction of the Consul; while crimes of a more serious kind must be reserved for adjudication by the Consul in a tribunal more formally constituted by the presence of assessors.

But, in order to provide the means of dealing with crimes which may be too serious for even this more formal tribunal to decide upon, and which in England would be reserved for a judge of assize, the island of Hong-Kong has been appointed as the place of trial for offences committed by British subjects in the Chinese dominions.

It is intended that in all places where more than one Consular Officer is residing, the Senior Consular Officer shall hold the Consular Courts established by the present Ordinance, unless he should for some reasonable cause be temporarily incapacitated from so doing; and that as little time as circumstances will admit should in all cases intervene between the apprehension of a party, and the hearing and decision of the charge brought against him.

In selecting assessors, you will take them in rotation from the respectable members of the British community. It has not been thought necessary to impose a legal obligation to sit as assessors when called upon by the Consular Officer, because perfect reliance is placed upon the good feeling of the respectable portion of the British community in China, prompting them zealously to co-operate with Her Majesty's officers in carrying out a system, in the success of which all are so deeply interested, and which, if it should fail of execution, might be attended with very serious consequences.

With regard to the question of sending criminals to Hong-Kong for trial, it is intended that, in the first instance at least, that course should only be taken with criminals charged with murder; and even in such cases the depositions taken by the Consuls must be first transmitted to myself, in order that I may ascertain whether, in the opinion of the legal authorities of this colony, there is a reasonable probability of obtaining a conviction: and you must further bear in mind, that the personal appearance of the witnesses for the prosecution will in all cases be required by the Supreme Court of Hong-Kong; and that, therefore, you must arrange with witnesses to proceed to Hong-Kong on

payment of their expenses. With regard to evidence for the defence, the case is different, and you will pay the strictest attention to the provision of the fourth section of the Act of the 6th and 7th Victoria, c. 94, on this point.

You will keep a police report in the form herewith transmitted ; and send to me when required a copy of the whole or any portion thereof ; and on the 31st December of each year, a copy of the proceedings in the whole year must be sent to Hong-Kong.

You will forthwith report upon the means at your disposal for executing sentences of imprisonment, and on the practice which you have hitherto observed in this respect ; and in the meanwhile you are enjoined, whenever recourse is had to the prisons of the country, to arrange with the local authorities that any British prisoner who may be confined therein, shall be visited daily by any person appointed by you, and, if necessary, by a medical officer deputed for that purpose.

You will be so good as to communicate to me a copy of the notification to be exhibited in your Consular office, as to the period within which British subjects arriving within your port shall enrol themselves. The principal object of the register being, however, to facilitate the exercise of control over British subjects of bad or doubtful character, you will carefully avoid exposing respectable parties to unnecessary vexation in this respect.

In addition to the police register, I send you a form of register in which the names of all persons considered as British subjects are to be enrolled. It will not be necessary that you should send me a copy of the register of British subjects, but on the 31st December of each year you will report the number of persons enrolled as British subjects in that register.

In conclusion, I have merely to observe, that you will bear in mind that, although you are empowered under the circumstances stated in the Ordinance to send out of the Chinese dominions a British subject who may have been twice convicted, it is not obligatory upon you to do so in every case of a second conviction. It is only when the character of the offender is such as to render his continuance in China incompatible with the peace and good order of society, that you should resort to this extreme measure.

I have, &c.

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ANNO OCTAVO VICTORIÆ REGINÆ. (No. 7 of 1844.)

By his Excellency John Francis Davis, Esquire, &c., &c.

An Ordinance for the better administration of justice in the Title. Consular Courts, and to establish a registration of British subjects within the dominions of the Emperor of China.

Preamble reciting Her Majesty's Order in Council of 17th April, 1844.

1. Be it therefore enacted by his Excellency the Governor of Hong-Kong and Superintendent of the Trade of Her Majesty's subjects in China, with the advice of the Legislative Council of Hong-Kong. That Her Majesty's Consuls and Vice-Consuls resident within the dominions of the Emperor of China, and all such persons who as aforesaid may be required to act provisionally as Consuls or Vice-Consuls in manner aforesaid, shall in the exercise of the jurisdiction granted unto them by the said Order of the 17th of April, 1844, be governed by the ordinances and provisions hereinafter contained, and try, determine, and punish all such cases as aforesaid.

Consuls acting under the Order of 17th April, 1844, to be governed by the provisions of this ordinance.

2. And be it further enacted, That all such Consuls and Vice-Consuls resident within the dominions of the Emperor of China shall, severally in the district within which they may respectively be appointed to reside, have power and authority to cause to be apprehended and brought before them any British subject who may be charged with having committed any crime or offence as aforesaid within the dominions of the Emperor of China, and any such Consul, or Vice-Consul as aforesaid shall thereupon proceed with all convenient speed to inquire of the same; and for such purpose and end shall have power to examine on oath all witnesses who may appear before him to substantiate the charge, or if such witnesses shall not be Christians, to examine them in the form most binding on their consciences; and shall have power to summon any person being British subjects who may be competent to give evidence, and enforce the attendance of such persons by a fine not exceeding twenty dollars; and shall examine all witnesses whatsoever in the presence and hearing of the person accused, and afford the accused person all reasonable facility for cross-examining all such witnesses; and having reduced to writing the depositions of the witnesses, shall cause the same to be read over, and, if necessary, explained to the person accused, together with any

Power to apprehend British subjects in certain cases, and mode of trial.

Power to award punishment, not exceeding two months' imprisonment, or a fine of one hundred dollars.

If foregoing punishment inadequate to the offence charged, Consul to summon assessors. With power to him to award an increase of punishment or fine. Authority of assessors.

other evidence that may have been urged against him during the course of the trial; and shall require such accused person to defend himself against the charge brought against him, and, if necessary, advise him of the legal effects of any voluntary confession, and shall take the evidence of any witnesses whom the accused person may tender to be examined in his exculpation; and when the case has been fully inquired of, and the innocence or guilt of the person accused established, the Consul or Vice-Consul, as the case may be, shall either discharge the person accused from custody, if satisfied of his innocence, or proceed to pass sentence on him if convinced of his guilt: and it is hereby enacted, That it shall be lawful for any of Her Majesty's Consuls and Vice-Consuls as aforesaid, having inquired of, tried, and determined, in the manner aforesaid, any charge which may be brought before him, to award any degree of punishment not exceeding imprisonment for two months, or a fine of one hundred dollars.

3. And be it further enacted, That if the crime whereof any person, being a British subject, may be accused before any of Her Majesty's Consuls or Vice-Consuls as aforesaid, shall appear to such Consul or Vice-Consul to be of such a nature as, if proved, would not be adequately punished by the infliction of such punishment as aforesaid, it shall be lawful for such Consul or Vice-Consul to summon two, or not more than four, British subjects of good repute, residing within his district, to sit with him as Assessors for inquiring of, trying, and determining the case or cases before the Court; and the Consul or Vice-Consul who shall hold a Court of criminal justice with the assistance of Assessors as aforesaid, shall, if he is himself convinced of the guilt of the party accused, have power to award any degree of punishment not exceeding imprisonment for twelve months, or a fine of two hundred dollars; and the Assessors aforesaid shall have no authority to decide on the innocence or the guilt of the party accused, or on the amount of punishment to be awarded on conviction; but in the event of the said Assessors, or any of them, dissenting from the conviction of, or from the amount of punishment awarded to, the accused, the said Assessors, or any of them, shall be authorised to record on the minutes of the proceedings the grounds on which the said Assessors, or any of them, may so dissent; and in any such case the officer holding the Court shall forth-

with report to Her Majesty's Chief Superintendent of British Trade the fact that such dissent has been so recorded on the minutes of the proceedings, and as soon as possible lay before him copies of the whole of the depositions and proceedings, with the dissent of the Assessors recorded thereon; and it shall then be lawful for Her Majesty's Chief Superintendent of British Trade by warrant under his hand and seal, addressed to the Consul or Vice-Consul by whom the case was tried, to mitigate or remit altogether the punishment awarded to the party accused: and such Consul or Vice-Consul shall give immediate effect to the injunction of any such warrant; and it is further ordered, that all fines prescribed as aforesaid, as well as all fines levied on witnesses being British subjects and refusing to attend and give evidence in a Consular Court, may be levied by distress, in pursuance of a warrant issued to that effect by the officer holding such Court, and appropriated in the manner directed by Her Majesty's Principal Secretary of State for Foreign Affairs; and that the place of imprisonment shall be such as has heretofore been customarily used as such, or as may be appointed by Her Majesty's Chief Superintendent of British Trade, and approved by Her Majesty's Principal Secretary of State for Foreign Affairs.

4. And be it further enacted, That all proceedings in the Consular Courts, held in virtue of this present Ordinance, shall be had as far as possible in conformity and correspondence with the proceedings which in like cases would be had according to the law and practice of England, regard being had to the difference of local circumstances and to the provision of this Ordinance. Proceedings to be in conformity, so far as possible, with the law of England.

5. And be it further enacted, That the Consular Courts held in pursuance of this Order shall be Courts of Record, and that minutes of proceedings taken therein shall in all cases be drawn up and preserved with the depositions of the witnesses, and such minutes shall be signed by the officer holding the Court, and shall in cases where Assessors are present, be open for the inspection of such Assessors, and for their signature, if concurred in by them. Consular Courts to be Courts of Record.

6. And be it further enacted, That in case of assault it shall be lawful for the Consular Officer before whom complaint is made, to promote reconciliation between the parties, and to suffer compensation and amends to be made, and the proceedings thereby to be stopped. Cases of assault.

Consul to report detention of person or ship, or to send them to Hong-Kong.

or shall demand to be sent to Hong-Kong: Provided always, in case any such persons or vessel shall be arrested, detained, or imprisoned by any of Her Majesty's Consuls, that such Consul shall immediately report the same to the said Superintendent of Trade for his instructions therein, and may at his discretion, and shall, if required, by any person or by the master or owner of any vessel so detained, immediately send the said person or vessel in proper custody to Her Majesty's Colony of Hong-Kong.

Penalty for offending against provisions of Treaties to which no penalty is therein affixed.

4. And whereas the said Treaties contain certain provisions to be observed by Her Majesty's subjects in China, the infringement of which is not punishable by the law of England, or by any penalty mentioned therein, Be it therefore enacted, That it shall be lawful for the said Superintendent of Trade, or any of Her Majesty's Consuls in China, to punish in a summary way any infringement of such provisions as herein last aforesaid, by a fine not exceeding two hundred dollars, to be imposed and levied in like manner as hereinbefore provided by this Ordinance.

Double penalties to be imposed by Superintendent of Trade on flagrant offenders.

5. And whereas in cases of flagrant offences being committed against the provisions of the said Treaties, it may be expedient to inflict heavier fines or penalties on the offenders than are provided in the said Treaties or elsewhere in this Ordinance, Be it therefore enacted, That the Superintendent of Her Majesty's Trade in China shall have full power and authority to enforce and inflict in a summary way, double the amount of any fine or penalty which Her Majesty's said Consuls are by the said Treaties or elsewhere by this Ordinance authorised to inflict, which said double fines or penalties shall be recovered in like manner as hereinbefore provided by this Ordinance, and in default of payment, the offenders in like manner shall be liable to double the term of imprisonment in lieu thereof, or until the same shall be paid.

Regulations made by Superintendent of Trade to remain in force; Consuls to inflict penalties provided therein.

6. And it is hereby enacted, That all rules and regulations heretofore made and published by the said Superintendent of Trade, or by any former Superintendent or Superintendents of Trade, for the government of Her Majesty's subjects in China (except such parts thereof as may have been expressly annulled or repealed), shall continue to be in full force and effect; and that the said Consuls shall have full power and authority to enforce the same, and inflict all fines and penalties provided therein in a summary way, and



to levy the same in the like manner as hereinbefore mentioned.

7. And be it enacted, That the said Superintendent of Trade shall have full power to remit all or any part of all fines, forfeitures, or penalties herein mentioned, and the same shall (except when they are declared payable to the Chinese Government) be paid to Her Majesty, her heirs and successors, for the public purposes of the State and the maintenance thereof.

8. And for the protection of Her Majesty's Consuls in China, Be it enacted, That when any action shall be brought against any Consul, for any act done in obedience to the said regulations, or to any instructions of the said Superintendent of Trade, such Consul shall not be responsible for any irregularity in the issuing of such regulations or instructions, or for any want of authority in the said Superintendent to issue the same, and such Consul may plead the general issue, and give such regulations or instructions in evidence, and upon producing such regulations or instructions, and proving that they were issued by, or that the act complained of, was performed under the authority, or with the sanction of the said Superintendent of Trade, a verdict shall pass for the said Consul, who shall recover treble his costs of suit.

9. And for the protection of Commanders of Her Majesty's ships, and others acting at the requisition of the said Superintendent of Trade, or of any of Her Majesty's Consuls in China in enforcing the Treaties aforesaid, Be it enacted, That when any action shall be brought against any such Commander or other person, for any act done in conformity to the requisition of the said Superintendent of Trade or of such Consul, such Commander or other person shall not be responsible for any irregularity in the making of such requisition, or for any want of authority in the said Superintendent of Trade or Consul, to perform, or cause to be performed, the object of such requisition, and such Commander or other person may plead the general issue, and give such requisition in evidence, and upon producing such requisition, and proving that it was made by or under the authority of the said Superintendent of Trade or such Consul, or that the act complained of was done with the sanction of the said Superintendent or Consul, a verdict

have power and authority, as soon as may be practicable after execution of the sentence on any second conviction, or at any time while such sentence is in execution, to send to the colony of Hong-Kong any British subject, and to detain in custody any such person until a suitable opportunity for sending him out of the said dominions shall present itself; and any person to be sent out of the said dominions as aforesaid may be embarked on board one of Her Majesty's vessels of war, or if there should be no such vessel of war which can be employed for such purpose, then on board any British vessel bound for Hong-Kong, in the same manner as if such person was a distressed British seaman. But in all cases in which a British subject shall have been sent out of the dominions of the Emperor of China as aforesaid, the officer sending him out shall forthwith report his having done so to Her Majesty's Chief Superintendent of Trade; and should any person so sent out of the dominions of the Emperor of China return to the said dominions without the sanction of Her Majesty's Chief Superintendent of Trade or Principal Secretary of State for Foreign Affairs, he shall no longer be entitled to be protected as a British subject in the said dominions. Provided always, that on the arrival of such person at Hong-Kong, it shall and may be lawful to and for Her Majesty's Chief Superintendent of Trade either to confirm the said sentence of deportation and forward him to England as a distressed British seaman, or to remit him back as such to that part of the said dominions from whence he was so removed or deported.

(Signed)

JOHN FRANCIS DAVIS,  
*Governor, &c.*

Passed the Legislative Council of Hong-Kong,  
this 7th day of July, 1845.

ADOLPHUS E. SHELLEY,  
*Clerk of Councils.*

Anno Nono Victoriæ Reginæ. (No. 1 of 1846.)

By His Excellency Sir John Francis Davis, Baronet, &c.

Title.

An Ordinance to amend Ordinance No. 4 of 1844, entitled, "An Ordinance to restrain Her Majesty's subjects from trading in the Empire of China to the northward of the 32nd degree of north latitude."

[9th March, 1846.]

1. Whereas it is expedient that the said Ordinance, No. Preamble. 4 of 1844, should be amended, by declaring that vessels engaged in the traffic thereby prohibited shall not be seized at sea at a greater distance than one hundred miles from the coast of China; by defining the meaning of the terms therein used, of "ships or vessels sailing under the British flag;" by making further provision for the title to vessels engaged in such prohibited trade, in the event of subsequent sales, transfers, or mortgages; and by introducing more specific provisions as to the form of procedure for the seizure and sale of vessels contravening the enactments of the said Ordinance: Be it therefore enacted by His Excellency the Governor of Hong-Kong, with the advice of the Legislative Council thereof, that no vessel shall be seized or detained in pursuance of the provisions of the said Ordinance at sea, at a greater distance than one hundred miles from the coast of China.

No vessel to be seized at sea in pursuance of Ordinance No. 4 of 1844, at a greater distance than one hundred miles from the coast of China.

2. And be it further enacted, that the terms "ships or vessels sailing under the British flag," used in the said Ordinance, shall be held solely to mean and include British vessels navigated according to law, or vessels British owned, and provided with sailing letters from the Government of Hong-Kong.

Definition of the term "ships or vessels sailing under the British flag."

3. And be it enacted, that the power given by the said Ordinance of selling ships or vessels, discharged of bills of sale, transfers, or mortgages, made or executed under the circumstances therein also mentioned, be confined to cases of sale, transfer, or mortgages made or executed after the seizure of such ships or vessels, and to cases of sales, transfers, or mortgages made before seizure, if made to transferees or mortgagees having notice that such ship or vessel had been employed in trading contrary to any of the prohibitions of the said Ordinance.

Provisions as to the sale of vessels discharged of bills of sale, transfers or mortgages.

4. And be it further enacted and ordained, that no vessel shall be seized or detained under the provisions of the said Ordinance, unless the Chief Superintendent of Trade shall have issued a general or special warrant or order under his hand and seal for that purpose, which warrant or order shall also direct that such vessel shall with all reasonable expedition be brought into the harbour of Hong-Kong, and be there detained until further order of the Chief Superintendent aforesaid, or of the Supreme Court of Hong-Kong.

Provisions as to seizure of vessels.

Penalties,  
how reco-  
vered.

5. And be it further enacted, that all penalties and forfeitures which may have been heretofore, or may be hereafter incurred under this or the said Ordinance, may at the instance of the Chief Superintendent of Trade be prosecuted, sued for, and recovered in the Supreme Court of Hong-Kong, upon information to be filed by Her Majesty's Attorney-General for the said colony; and that the said Court, in pronouncing any judgment or order imposing any penalty incurred by a violation of the said Ordinance, shall have power to authorise and direct, that if the same be not paid within one calendar month from the time of giving or making such judgment or order, the said vessel shall be sold by public auction, in whole or part satisfaction of the said judgment, as far as the proceeds of the said sale may reach.

JOHN FRANCIS DAVIS,  
*Governor, &c.*

Passed the Legislative Council of Hong-Kong,  
this 9th day of March, 1846.

ADOLPHUS E. SHELLEY,  
*Clerk of Councils.*

Anno Nono Victoriae Reginae. (No. 2 of 1846.)

By His Excellency Sir John Francis Davis, &c.

Title.

An Ordinance to amend the Ordinance No. 3 of 1844, entitled, "An Ordinance to restrain masters of merchant-vessels belonging to Her Majesty's subjects from leaving seamen and others in a destitute state in the dominions of the Emperor of China, and from refusing to carry distressed seamen from thence to Hong-Kong or to England; and also to provide for the good conduct of seamen within the same."

[24th March, 1846.]

Preamble.

Whereas it is expedient that the form of bond as hereafter contained be substituted for the form of bond prescribed by the said Ordinance No. 3 of 1844: Be it therefore enacted, by His Excellency the Governor of Hong-Kong and Chief Superintendent of the Trade of Her Majesty's subjects in China, with the advice of the Legislative Council thereof, that in all cases hereafter, where any bond shall be taken or executed in pursuance of this or the said Ordinance No. 3 of

Bond taken  
in pursuance  
of this Ordinance,  
or of No. 3 of 1844,  
to be in the  
form hereby  
prescribed.

Know all men by these presents, that  
master of the vessel the  
and we  
chants resident at  
are held and firmly  
bound unto Her Most Gracious Majesty Victoria, by the  
grace of God of Great Britain and Ireland Queen, Defender of  
the Faith, in the full sum of one thousand lawful current  
dollars of the currency of the colony of Hong-Kong, to be  
paid to Her said Majesty, her heirs and successors, for which  
payment to be well and truly made we bind ourselves, and  
each of us for himself, in the whole, one and every of our  
heirs, executors, and administrators, firmly by these presents.  
Sealed with our seals this  
day of

Whereas the within bound have agreed to execute this obligation as sureties for the within bound  
Now the condition of this obligation is such, that if the within named \_\_\_\_\_ master of the vessel the aforesaid, do not within one year from the date hereof, unlawfully discharge or leave behind any of the crew of the said vessel the \_\_\_\_\_ in the dominions of the Emperor of China, or within one hundred miles from the coast of China; and also, within the space of one year aforesaid, within the limits aforesaid, do not refuse to receive on board the said vessel the \_\_\_\_\_ such distressed seamen as may be sent on board thereof for conveyance to Hong-Kong or to Great Britain, by any of Her Majesty's Consuls in China; and if no person formerly a seaman of the said vessel, or no subject of Her Majesty conveyed in the said vessel the \_\_\_\_\_ to the dominions of the Emperor of China, shall, prior to the departure of the said vessel from the said dominions, be found destitute or requiring public relief therein; and, also, if the within obligers shall forthwith discharge all or any sums of money which may be awarded by way of satisfaction (in the manner provided by the Ordinances in pursuance of which this bond is entered into) to any person or persons by any competent tribunal, for any injury sustained within one year from the date hereof, from the crew of the said vessel the \_\_\_\_\_

or any one or more of them; and also, if the within obligers shall forthwith on demand discharge and pay all costs and expenses necessary for conveying to Great Britain all destitute seamen belonging to and unlawfully left behind said vessel in the said dominions, then this obligation shall be void and of no effect, but otherwise shall remain in full force and virtue.

Signed, sealed, and delivered at  
in the presence of A. B.

JOHN FRANCIS DAVIS,  
*Governor, &c., &c.*

Passed the Legislative Council of Hong-Kong,  
this 24th day of March, 1846.

ADOLPHUS E. SHELLEY,  
*Clerk of Councils.*

#### THE CURRENCY AT AMOY.

THE annexed copy of a letter addressed to Her Britannic Majesty's officiating Consul at Amoy, regarding the rate at which various Foreign coins are to be received at that port in payment of the imperial duties, is published for general information and guidance.

By Order, &c.,

(Signed) RICHARD WOOSNAM.

Government-House, Victoria, Hong-Kong, December, 4, 1843.

*Sir Henry Pottinger to Mr. Gribble.*

Government-House, Victoria, Hong-Kong,  
December, 3, 1843.

Sir,

I have the honour to acknowledge the receipt of your letter No 3 of the 13th of last month, submitting the result of an investigation into the currency at Amoy, and stating that the outturn of the different coins which had been assayed there averaged one tael and seven mace (1*l.* 7*m.*) less than at Canton; but that being anxious to assimilate the Amoy standard with that already laid down at Canton, you had arranged with the local Mandarins for the adoption of the latter at Amoy, on condition that one tael five mace (1*l.* 5*m.*) should be allowed on every 100 taels of Sycee silver for refining expenses, under the following heads, viz:—

	Mace.
Charcoal . . . . .	6
Wages of two men . . . . .	5
Saltpetre, &c. . . . .	3
House expenses . . . . .	1
	<hr/>
	15
	<hr/>

By this arrangement,

	T.	M.	C.	C.
Rupees weighing . . . . .	109	7	9	0
Peruvian dollars do. . . . .	111	4	5	5
Mexican do. . . . .	111	9	0	0
Bolivian do. . . . .	112	1	5	0
Chilian do. . . . .	112	5	2	0
Chopped do. . . . .	113	2	0	7

are to be considered respectively equal to 100 taels weight of Sycee silver, in all cases where the imperial duties may be paid in any of the above-named coins.

The charge for refining at Canton is one tael two mace (1*l.* 2*m.*) on every 100 taels of Sycee, and the difference is so trifling that I readily sanction your arrangement.

A copy of this letter will be published for general information.

I have, &c.,

(Signed)

HENRY POTTINGER.

#### REGULATIONS ESTABLISHED AT AMOY.

1st. The Consulate will not be opened on Sundays.

2nd. All British subjects residing at Amoy are required to renew the register of their names at this Consulate, on or about the 1st of January, describing the houses, hong, they rent from the Chinese, the names and occupation of all Europeans connected with their establishment, as well as the natives employed either as shroffs, servants, &c.

3rd. The limits of the port extend to the six islands on the east side; to the Pagoda Island at the mouth of the Western River; the Island of Koolangsoo and the inner waters.

4th. All British ships are required when discharging or taking in cargo to anchor off the town of Amoy.

5th. British ships driven in by stress of weather, or coming within the meaning of the 5th regulation, are to anchor inside the 200-gun battery, or abreast of the north-east point of Koolangsoo.

6th. All British ships driven in by stress of weather, or calling for letters, treasure, or provisions, are exempt from port dues. If bulk is broken, the ships are liable to the usual port dues. The captain will deliver his papers, according to the 3rd Article of the General Regulations, within twenty-four hours.

7th. British ships are allowed to call at this port to "try the market." The captain will deliver his papers as before, and the consignee is to declare his intention of either taking delivery of cargo or otherwise, within forty-eight hours after the ship has anchored. Any ship exceeding the time specified (viz., forty-eight hours) will be liable to the usual port dues.

8th. The rates at which payments for duties are to be made, either in Sycee or coined money, have been settled on the same footing as at Canton.

									For refining.
									T. M.
									1 2
									Sycee of inferior touch is to be made equivalent to 100 touch.
									For refining.
	Rs.			T.	M.	C.	C.		T. M.
	Rupees for 100 add	.	.	8	9	1	5	.	1 2
	Peruvian dollars	.	.	10	2	7	7	.	1 2
	Mexican do.	.	.	10	6	2	9	.	1 2
	Spanish do.	.	.	10	8	3	3	.	1 2
	Cut money to be tested by fire	.	.	.	.	.	.	.	1 2

Should any dispute arise on the difference of the touch of Sycee, it is to be tested by fire.

9th. All cargo is to be shipped off between sunrise and sunset, and from the undermentioned landing-places—Suy-seen-kung, Loo-tow-taou, Mei-loo-tow, Kiang-tsae-kow, Loo-tow, Sin-loo-tow, Ta-sze-kiang-loo-tow.

10th. Pilotage is charged at the rate of fifty cents per foot, from or to the Chaw-Chat rocks, and one dollar from Lamtia or Chapel Island, or in a line from that island to Packtie on the north, and Tungting on the south.

11th. Persons wishing to visit the surrounding country are allowed to go the distance of one day's journey: they are to be accompanied by a policeman, and if proceeding in a boat are to carry a distinguishing flag.

Attention is particularly directed to a notification issued at Amoy, on the 2nd of December, 1843, with reference to the before-mentioned regulation.

12th. Sailors on liberty are to be attended by an officer or responsible person, and, if disorderly or riotous, the full amount of ten dollars will be awarded for each offence.



13th. Rice ships are admitted free of port dues; but if they take away an export cargo, they are liable to one-half the present port dues, or 2*m.* 5*c.* per register ton.

14th. Ships laden with rice arriving in port with a considerable portion of general cargo on board intended for another port, are exempt from duty.

15th. Ships partly laden with rice and general cargo, are to be charged full tonnage dues, if any of the general cargo is sold and discharged.

16th. A Custom-house officer will attend at the landing-places, from sunrise to sunset, to examine and pass all cargo, and his chop is to be placed on goods either imported or exported.

17th. Many difficulties having arisen in the difference of weights, it is requested that the standard sanctioned by the Tariff be adopted; and should there be any dispute, it must be referred to the Import Department in the Consulate.

18th. The Chinese not being acquainted with the usual terms "demurrage," "laydays," &c., it is recommended that all parties should make agreements upon these and similar points.

19th. Fourteen working days (unless there is a specification on the bill of lading) may be considered as an equitable limit in a port offering so many facilities for the discharge of a ship, or taking delivery of a portion of the cargo.

Post-office regulations may be seen at the office.

20th. All firing from ships in the harbour is strictly prohibited, without permission from the Consul.

(Signed) HENRY GRIBBLE,  
*Her Majesty's Officiating Consul, Amoy.*

*Her Britannic Majesty's Consulate, Amoy.*

N.B. 21st. All ships are exempt from tonnage dues, provided the consignee can produce the grand chop from the Chinese authorities, and port-clearance from any of the Consular ports.

22nd. Ships are allowed to remain in port for warehouse purposes six months before the tonnage dues are demanded.

All cargo transshipped is to be duly noted and entered both at the Consulate and Custom-house. When delivery is taken, the mode of proceeding is precisely similar to the general regulations of trade.

(Signed) HENRY GRIBBLE,  
*Her Majesty's Officiating Consul, Amoy.*

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REGULATIONS TO BE OBSERVED BY ALL BRITISH SUBJECTS RESIDING  
AT OR RESORTING TO NINGPO.

1. ALL British subjects must immediately upon arrival at Ningpo report themselves at this Consulate, stating at the same time their professions, places of residence, &c., &c., and the probable period of their stay at this city.

2. British subjects will not be permitted under any pretence to go into the country a greater distance than three miles from the city of Ningpo, without previously reporting their intention at this Consulate, when the Undersigned will reserve to himself the right of judging whether such intention be admissible or not. In all cases where it is decided that it is admissible, the Undersigned will provide the person or party applying with a guide, who will remain with such person or party till their return to this city; and when it shall be decided that the proposal is inadmissible, the person or party going into the country, in opposition to the expressed wish of the Undersigned, will expose himself or themselves to a severe penalty, as the circumstances of the case may appear less or more aggravated.

3. All British subjects going into the country to shoot, no matter what the distance may be, must in like manner give due notice at this Consulate and obtain permission for that end, otherwise they will expose themselves to a like severe penalty.

4. British subjects while in the country will be required to be exceedingly particular not to enter the houses of the people against their will, nor to offer any wanton disrespect to their temples or idols, nor to desecrate or injure tombs, nor to break down fences or to tread on anything planted in the ground; and, in short, not only to do no positive injury to the people, but also to guard against doing anything that may shock their prejudices.

5. British subjects will not be permitted to go to any of the cities or towns, or even large villages, in the neighbourhood of Ningpo, without special licence from the Undersigned and the high authorities of the district.

6. British subjects will not be permitted to enter any of the public offices of this place without special licence or express invitation.

7. British subjects residing at Ningpo will require to give distinct notice at this Consulate when they change their places of residence.

8. All British subjects on leaving Ningpo will require to report themselves at this Consulate as on arrival, and those who have resided here for any length of time, and had commercial dealings with the natives, will be required to give at least forty-eight hours' notice before they can be permitted to depart.

The Undersigned ventures to hope that by a strict observance of the above regulations, which in so far as he is concerned will be most rigorously enforced, all well-disposed persons will have an ample enjoyment of healthful air and exercise secured to them; while it will be put out of the power of any ill-disposed individual to prejudice by his bad conduct the comforts and rational recreations of the community at large.

(Signed)

R. THOM,

*Her Majesty's Officiating Consul at Ningpo.*

*British Consulate, Ningpo, January 1, 1844.*

REGULATIONS TO BE OBSERVED BY BRITISH VESSELS TRADING TO OR FROM NINGPO.

1. ALL British vessels entering the Port of Ningpo must anchor at Chinhai and report themselves to the Mandarin stationed there for that purpose, waiting till they have been duly visited by that functionary, and searched, if he shall deem it expedient.

N.B. The following is the form of report required :

I, A. B., master of the ship C. D., of                      tons burthen, navigated by a crew of                      men, now declare my intention of proceeding to Ningpo, and request that I may be dispatched without delay.                      (Signed)

On board ship                      master-ship                      day  
of                      184 .

2. British vessels on arriving at Ningpo will anchor as near to the Consulate (which will be at once known by the Red Ensign flying) as may be done without incommoding the ships already at anchor in the river, or the native junks. When practicable a person will be sent on board, who will point out the proper place to bring up, but they must not on any account go higher up the river than a-beam of the Consular flag-staff.

3. British vessels on arriving at Ningpo will have each a number given them which must be painted in large letters in white, English on both bows, and Chinese on both quarters, for greater facility of discrimination.

4. Masters of British vessels on arrival at Ningpo must give in a list upon oath of all persons they may have on board; none of these may be left behind without exposing the said master to a heavy penalty;

neither may the said master take away others than those in the original list, without duly representing the same.

5. Masters and Supercargoes of British vessels will be required at this Consulate to present a manifest of all cargo they may have brought within the mouth of this river and to attest the same upon oath; and should they not discharge all their cargo, they will be required to show the balance of such cargo as should remain on board to the Chinese custom-house officer whenever he may wish to inspect it.

6. British vessels will only be permitted to discharge or load at the place appointed by the authorities on the northern bank of the river known by the Chinese name of Lee-kea Taon-tou, and between the hours of eight in the morning and four in the afternoon: and any goods found landing or shipping, from or on board of any British vessel at any other time or place, without special licence having been granted for the same, such goods will be considered contraband, and as such will be liable to instant seizure: besides, the vessel landing or shipping off such goods in contravention of the regulations of the port, will expose herself to be severely fined for each irregularity.

7. Masters of British vessels will be careful not to let their people land at Changhai more than is absolutely necessary for reporting the ship as she enters and leaves the mouth of the river, and on no account must they permit their people to land and ramble into the country while the vessel is on her passage between Changhai and Ningpo, and *vice versa*.

8. Masters of British vessels while lying in the Ningpo River will be required to be exceedingly strict and attentive as to the degree of liberty they allow their men while in port. No more persons will be allowed to go on shore from each ship than what are absolutely necessary for the carrying on of the lawful business of the ship, without being first duly reported at this Consulate and getting a special licence: and such special licences can only be granted when the men are under the care of an officer.

Let it be borne in mind, that for any damage done by sailors on shore, the ship will, in the first instance, be held responsible.

Let masters of vessels also beware of allowing samshoo to be brought alongside.

9. Masters and supercargoes of British vessels about to leave the port will be required to give at least forty-eight hours' notice beforehand, and to keep their Blue Peter flying for that time, that the same may be duly made known.

10. British vessels leaving the port will be required to exhibit their

grand chop or port-clearance to the Mandarin stationed at Changhai for that purpose; and must again submit to be searched should the said Mandarin express a wish to that effect.

11. Masters of British vessels will be required to pay attention to the conduct and capabilities of those Chinese who offer themselves to pilot ships up and down the river, and they will be further required to give an honest and true certificate under their hands of such conduct and capabilities, in order that in the course of time Consular licences may be given to the most skilful. These certificates should state the name, age, and appearance of the individual.

12. Lastly, all masters and supercargoes of British vessels will be required to subscribe to these regulations before being permitted to discharge; and the Undersigned will, in the event of any breach of them, reserve to himself the right of imposing such penalties as the greater or lesser aggravations of the case may seem to call for.

(Signed)

R. THOM,

*Her Majesty's Officiating Consul for Ningpo.*

*British Consulate, Ningpo, January 1, 1844.*

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#### HINTS TO BRITISH MERCHANTS RESORTING TO NINGPO FOR PURPOSES OF TRADE.

1. It must be borne in mind that weights and measures differ widely in every part of China, and that consequently there is a great difference between those employed at Canton and those in use at Ningpo.

Many mistakes have already taken place in consequence; and, to obviate such mistakes in future, the Undersigned strongly recommends all British merchants having commercial dealings at this port, whether in buying or selling goods by weight or measure, or paying or receiving money by weight, to reduce everything to Custom-house standard; for which end the standard weights and measures of this Consulate will always be at the service of any merchant who may wish to adjust his own by them, or to have a similar set made.

2. British merchants are reminded that the Ningpo merchants are not men of the same established character and great means as the hong merchants of Canton. Great care should therefore be taken when goods have been sold, to deliver them as per muster, and in good order and condition before witnesses, lest, the market falling, the purchaser should damage them, and say that he received them in that state, as a pretext to throw up his bargain; and still more in buying goods, every package should be most carefully examined before being removed from the seller's premises, in order to guard against false

packing and other frauds which are very common in this part of the country.

3. There being no longer security merchants to pay the debts and fulfil the engagements of those who are unfortunate or of those who commit acts of fraud, British subjects are hereby cautioned against giving credit to any large amount. A barter trade will be found the best and safest in the end; and no matter what the sum may be, whether in making sales or purchases, British subjects are strongly recommended to exact a sale or purchase note (vulgarly called a Hong-chop), without which document, in the event of fraud or failure, the sufferer would find great difficulty to establish his claim in a Chinese Court of law.

Lastly. While the Undersigned has every wish to assist such of his countrymen as may be unhappily involved in losses from frauds or failures at Ningpo, yet, in justice to himself, he must insist on the transactions brought before him being not only in themselves perfectly just and straightforward, but moreover of such a tangible and business-like shape, that when he takes them up he may have some prospect of bringing them, if not always to a satisfactory, at least to an intelligible issue.

Respecting all cases that are not perfectly consistent with what is right and proper between man and man, as well as all cases of mere suspicion without evidence, or where the British subject has been in part to blame in the first instance, or where from carelessness and inattention the circumstances have been allowed to become so complex as to require much explanation and unravelling, the Undersigned must for his own credit decline to mix himself up in such transactions; and he has accordingly to request that British subjects will be careful in bringing cases of like nature before him.

(Signed) R. THOM,

*Her Majesty's Officiating Consul for Ningpo.*

*British Consulate, Ningpo, January 1, 1844.*

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#### PORT REGULATIONS OF SHANGHAE.

1. The limits of the port, on the sea side, are defined within the lines formed by Paou-shan Point bearing west, and the battery on the right bank at the mouth of the river below Woosung bearing southwest. The anchorage for loading and discharging cargo is off the Custom-house, and extends from the river called the Woosung-Kow to that called the Yang-King-Pang. For more detailed instructions

on this head, the taking in and discharging of ballast, &c., masters of vessels are required to apply at the Consulate.

2. Pilots can be obtained at Woosung to bring vessels up. In case of necessity, a gun will always bring one off, but the usual signal should first be hoisted. Pilots to take vessels down can be obtained at Shanghai on application at the Consulate. Each pilot is authorised by letter under the Consulate Seal to act, and the amount he is duly authorised to demand as a just remuneration for his services is specified therein.

3. All vessels must be moored within the period of two tides from the time of their arrival at the anchorage, and in no case can a vessel, after she is moored, move or shift her berth, without permission from the Consulate.

4. Masters of vessels will report themselves within twenty-four hours after arrival, unless Sunday should intervene; and they will strictly attend in all other points to Article III. of the General Regulations of Trade.

5. Masters requiring to beach their vessels for the purpose of inspection or repair, must apply at the Consulate for instructions.

6. No goods can be landed, shipped, or transhipped, after sunset or before sunrise, or between Saturday evening and Monday morning, and no work is to be done on board vessels in harbour on Sunday, except such as may be necessary for the cleanliness and safety of the ship.

7. The discharge of fire-arms from the merchant-vessels in harbour is strictly prohibited, as also from the residences of British subjects.

8. Masters of vessels are required to report any passengers at the same time as the arrival of the ship; and seamen and persons belonging to the vessels in harbour are not to be permitted to go on shore without a responsible officer in charge, the masters being held distinctly responsible for the conduct of their men on shore. In the event of any men on liberty remaining on shore after sunset, the master is required without delay to send an officer to find and take them on board. Due and timely notice must also be given of the number and the names of passengers on board of any vessel leaving the port.

9. All cases of death, whether on board a British vessel or on shore in the residence of a British subject, must be reported within twenty-four hours, together with the best information attainable of the cause of death, in cases of sudden demise, to Her Majesty's Consul, who will give directions respecting the place of interment.

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## REGULATIONS OF TRADE FOR THE PORT OF FOO-CHOW-FOO.

1. The limits of the port of Foo-chow-foo extend from the Bridge to the Woo-foo-mun Pass.
2. The Chinese officer at the station within the Pass has orders to provide any vessel desiring to enter the port with a pilot.
3. British ships may remain in the port with a view of ascertaining the state of the market without restriction as to time, and should they desire to depart without breaking bulk, no port dues will be demanded. The captain will, however, in all cases deliver his ship's papers, bill of lading, &c., into the hands of the Consul within twenty-four hours after arrival.

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 BRITISH ORDINANCE RELATING TO HER MAJESTY'S CONSULAR OFFICERS IN CHINA.

Hong-Kong, 11th March, 1847.

Anno Decimo Victoriæ Reginae. (No. 1 of 1847.)

By His Excellency Sir John Francis Davis, &c.

An Ordinance to repeal and amend certain Ordinances relating to Her Majesty's Consular Officers in China, and to substitute other provisions in lieu thereof.

[March 11, 1847.]

WHEREAS it is expedient to repeal and amend certain Ordinances relating to Her Majesty's Consular Officers in China :

1. Be it therefore enacted and ordained by His Excellency the Governor, with the advice of the Legislative Council of Hong-Kong, that from and after the 31st day of March in the year of our Lord 1847, from which day this Ordinance shall commence and take effect, an Ordinance passed in the 6th and 7th year of Her Majesty Queen Victoria, intituled, "An Ordinance to give judicial authority to Her Majesty's Consuls within the dominions of the Emperor of China," and also an Ordinance passed in the 8th year of Her Majesty, intituled, "An Ordinance to authorise the execution of the process of the Supreme Court of Hong-Kong in certain parts within the dominions of the Emperor of China," shall be, and the same are hereby declared to be repealed.

2. And be it further enacted and ordained, that Her Majesty's Consuls shall, within the limits of the ports in China where they may be officially resident, possess the same jurisdiction, power, and authority that is now or shall hereafter be possessed by any Court of Judicature at Hong-Kong, save always as is hereafter mentioned and excepted.



3. And be it further enacted and ordained, that such Consul as aforesaid shall have full power to inquire concerning, and record the evidence of all witnesses in any felony, misdemeanour, or other criminal offence, and also in all civil actions, suits, and matters whatsoever, but not to determine the same, save as is hereafter mentioned.

4. And be it further enacted and ordained, that the evidence so recorded as aforesaid shall be transmitted, together with the remarks of the said Consul thereon, and on the demeanour of the witnesses giving the same, to such Court of Judicature at Hong-Kong as is now and shall hereafter be erected; which Court shall thereupon duly proceed to hear, try, and determine any criminal or civil matters, and for that purpose shall admit and read the said evidence so recorded of such of the said witnesses as shall be absent from Hong-Kong aforesaid, saving all exceptions thereto which may appear to the said Court to be valid and just.

5. And be it further enacted and ordained, that such Consul shall have full power to adjudicate upon and determine all crimes, misdemeanours, and other offences which shall appear to him not to deserve a greater punishment than he is authorised to inflict, under and in virtue of the provisions of Ordinance No. 7 of 1844, intituled, "An Ordinance for the better administration of justice in the Consular Courts, and to establish a registration of British subjects within the dominions of the Emperor of China, and also to adjudicate upon and determine in all civil suits and actions wherein the sum claimed shall not exceed 500 dollars, according to the provisions of the last-mentioned Ordinance.

6. And be it further enacted and ordained, that in all suits or actions wherein the sum claimed does not exceed twenty dollars, such Consul as aforesaid may appoint, by writing under his hand, any one or more persons to hear and determine the same on his behalf, and under his supervision, revision, and control; which said person or persons so appointed shall have the same power and authority, and shall in all things demean him or themselves therein as such Consul himself.

7. And be it further enacted and ordained, that in any criminal proceeding, except for felony, against the Master or any of the crew of any vessel about to leave such port as aforesaid, wherein the said evidence shall have been duly recorded as aforesaid, and it shall appear that an adequate punishment can be awarded by way of fine without imprisonment, that it shall be lawful for the said Consul (if he thinks fit) to take security for the due payment of any fine which may be awarded therein, and thereupon to permit the departure of the Master or the crew of the said ship, without their appearing to take their trial before the said Court of Judicature at Hong-Kong, and in such cases the said

Court shall proceed to adjudicate therein in the absence of the accused party.

8. And be it further enacted and ordained, that such Consul as aforesaid shall have full power to grant probates of the wills and letters of administration to the estates of Her Majesty's subjects dying or leaving property within the limits of such port as aforesaid. Provided always, that in all cases of doubt and difficulty, or of any caveat being entered against the grant of any probate or administration, such Consul may, if he thinks fit, remit the same, together with all the proceedings therein, duly authenticated for decision, to the Court of Judicature at Hong-Kong aforesaid; and in the interim the said Consul shall grant administration to such person or persons of the best credit and repute within such port as aforesaid, as may be willing to accept the same and give the usual security; and in default thereof the said Consul shall, and he is hereby required to act as administrator himself, and to take a commission of 2½ per centum on such property as may come to his hands, according to the statute in that case made and provided.

9. And be it further enacted and ordained, that such Consuls as aforesaid, in the execution of the powers given to them by this Ordinance, shall in all matters and things obey and conform to such rules of Court as have received the sanction of the Legislative Council, and to such instructions as may from time to time be issued to them by the Chief Superintendent of the Trade of Her Majesty's subjects in China, at the instance or suggestion of the Chief Justice of the Supreme Court of Hong-Kong.

10. And be it further enacted and ordained, that the said Consuls shall take such fees in judicial proceedings as are now authorised to be taken, or may hereafter from time to time, with the sanction of the Legislative Council, be fixed and allowed as the tariff or table of fees of the Supreme Court of Judicature at Hong-Kong aforesaid.

11. And be it further enacted and ordained, that in case any Judge of the Supreme Court of Judicature at Hong-Kong shall, at the requisition of the Chief Superintendent, come within the limits of any such port as aforesaid, the power, authority, and jurisdiction hereby given to the said Consul shall (as the Judge by writing under his hand shall order) either cease and determine duringt he presence of such Judge, or shall be exercised conjointly with the said Judge, or continued to be possessed by the Consul alone.

12. And be it further enacted and ordained, that it shall and may be lawful for such Consul, or other person acting as such, and they are hereby required to serve and execute all writs and processes whatsoever which shall or may be directed to them by the Supreme Court of

Judicature at Hong-Kong, to be served and executed, within the limits of their respective ports; but such Consuls, or other persons acting as such, shall not be called upon to go out of such limits to serve any such writ or processes whatever, any ordinance or law to the contrary notwithstanding; and immediately after the service and execution thereof such Consuls, or persons acting as such, shall make a return to the said Court of what has been done thereon, and such Consuls, or persons acting as such, shall and may demand, take, and receive such and the like fees for the service and execution thereof, as are allowed to the Sheriff for serving and executing the same within the Colony of Hong-Kong.

13. And be it further enacted and ordained, that all the records, processes, minutes, and other proceedings of Her Majesty's Consuls, or copies thereof, duly certified by such Consuls, made or issued in pursuance of this Ordinance, or any other Ordinance or Ordinances, shall to all intents and purposes be deemed and taken to be records of the said Court of Judicature at Hong-Kong.

14. And be it further enacted and ordained, that the word "Consul," in this and all other Ordinances, shall extend and be applied as well to any Consul duly appointed by Her Majesty, as to any person who for the time being shall actually be the Consular Agent, in any such port or ports as aforesaid.

(Signed)

J. F. DAVIS,  
*Governor, &c.*

Passed the Legislative Council of Hong-Kong,  
this 11th day of March, 1847.

(Signed)

L. D'ALMADA E CASTRO,  
*Clerk of the Ordinance.*

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BRITISH ORDINANCE, FOR THE BETTER MAINTENANCE OF ORDER AND  
THE REPRESSION OF CRIMES AMONG BRITISH SUBJECTS IN CHINA.

Hong-Kong, August 12, 1847.

Anno Undecimo Victoriæ Reginæ. (No. 2 of 1847.)

By His Excellency Sir John Francis Davis, Baronet, &c.

An Ordinance for the better maintenance of order among British subjects residing in, or resorting to the dominions of the Emperor of China, and for the more effectual repression of crimes committed by British subjects within the said dominions.

[August 12, 1847.]

WHEREAS for the better government of British subjects within the dominions of the Emperor of China, it has been deemed expedient to adopt the provisions of a late Order of Her Majesty in Council for granting more extensive powers to Her Majesty's Consular Officers in the Ottoman dominions: and whereas it is necessary to make certain additions to the Consular jurisdiction, conferred by Ordinance No. 7 of 1844, for Her Majesty's subjects within the dominions of the Emperor of China, intituled, "An Ordinance for the better administration of justice in the Consular Courts, and to establish a Registration of British subjects within the dominions of the Emperor of China.

1. Be it therefore enacted and ordained by His Excellency the Governor of Hong-Kong, with the advice of the Legislative Council thereof, that the above cited Ordinance, No. 7 of 1844, shall continue to have full force and effect, except in so far as the same is opposed to the provisions of the present Ordinance.

2. And be it further enacted and ordained, that in all cases in which parties shall be accused before Her Majesty's Consuls or Vice-Consuls, of the crimes of arson, house-breaking, cutting or maiming, stabbing, or assault endangering life, and in which the said Consuls or Vice-Consuls shall have exclusive jurisdiction, the proceedings in the Consular Courts shall be conducted in the presence of Assessors convened in the manner pointed out in the aforesaid Ordinance, No. 7 of 1844; and it shall and may be lawful for the Consul or Vice-Consul, holding such Court, to order, that any person who shall be convicted in the said Court, of any of the crimes aforesaid, shall over and above any fine or imprisonment which may be awarded to such person, be sent out of the dominions of the Emperor of China notwithstanding the crime laid to the charge of such person being the first of which he has been convicted in a Consular Court; and all the rules laid down in the aforesaid Ordinance, No. 7 of 1844, touching Consular Courts, held in the presence of Assessors, and the expulsion of persons from the dominions of the Emperor of China, shall continue to be observed with reference to the present Ordinance.

3. And be it further enacted and ordained, that whenever any British subject shall be convicted for the first time in the Court of Her Majesty's Consuls or Vice-Consuls in the dominions of the Emperor of China, for any crime or misdemeanour endangering the public peace, if such British subject shall have no establishment in the dominions of the Emperor of China, nor any ostensible means of subsistence, it shall and may be lawful for such Consul or Vice-Consul to require such British subject to produce some one person who will enter into security for his good behaviour after payment of the fine imposed upon him or the

expiration of the term of imprisonment awarded him, provided always that the security so required shall not be excessive ; and in the event of any British subject so convicted being unable to produce some such person to enter into the required security, then and in that case it shall be lawful for Her Majesty's Consul or Vice-Consul to send such British subject out of the Chinese dominions, in the same manner as if he had been twice convicted.

4. And be it further enacted and ordained, that it shall and may be lawful for any of Her Majesty's Consuls or Vice-Consuls in the dominions of the Emperor of China, upon oath being made before him by one or more credible witnesses, that there is reasonable ground to apprehend that any British subject is about to commit a breach of the public peace, to cause such British subject to be brought before him, and to require such British subject to give sufficient security to keep the peace ; or, in the event of any British subject being convicted of a breach of the peace, to cause such British subject to find security for his good behaviour, after he shall have undergone the punishment which may have been awarded to him in the Consular Court ; and in the event of any British subject who may be required as aforesaid to give sufficient security to keep the peace or to find security for his good behaviour, being unable or unwilling to do so, then and in that case it shall be lawful for Her Majesty's Consul or Vice-Consul to send such British subject out of the Chinese dominions.

J. F. DAVIS.

Passed the Legislative Council at Hong-Kong,  
this 12th day of August, 1847.

L. D'ALMADA E CASTRO,  
*Clerk of Council.*

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BRITISH ORDINANCE, AUTHORISING HER MAJESTY'S CONSULAR OFFICERS  
IN CHINA TO ADJUDICATE IN CIVIL ACTIONS.—Hong-Kong, Sep-  
tember 30, 1847.

Anno Undecimo Victoriæ Reginæ. (No. 3 of 1847.)

By His Excellency Sir John Francis Davis, Baronet, &c.

An Ordinance to authorise Her Majesty's Consular Officers to adju-  
dicate in civil actions.

[September 30, 1847.]

WHEREAS it is expedient and necessary that some provisions should be made to insure a prompt and steady administration of justice in civil actions arising within the dominions of the Emperor of China, and

whereas the present mode of trial in the Supreme Court of Hong-Kong in cases in which the causes of action originated at a distance from the said island, has been found to be inconvenient and onerous to the suitors :

1. Be it therefore enacted and ordained, that from and after the date of this Ordinance, Her Majesty's Consuls or Vice-Consuls in China shall possess jurisdiction, power, and authority to adjudicate upon and determine in all civil suits and actions whatever may be the amount of damages claimed. Provided always, that the causes of action shall accrue or originate within the dominions of the Emperor of China.

2. And whereas it is already provided, by Ordinance No. 1 of 1847, that Her Majesty's Consuls shall by themselves adjudicate in all civil suits or actions not exceeding the amount of 500 dollars ; be it further enacted and ordained, that in all civil suits or actions above the amount of 500 dollars, it shall be lawful for any of Her Majesty's Consuls or Vice-Consuls to summon, in the manner prescribed by Ordinance No. 7 of 1844, two or not more than four British subjects of good repute to sit with him as Assessors, to inquire, try, and determine such civil suits or actions, and to adjudicate thereon with the assistance of such Assessors.

3. And be it further enacted and ordained, that it shall and may be lawful for either of the parties in a civil suit or action, who shall feel himself aggrieved by the judgment of the said Consul or Vice-Consul and Assessors, to appeal against the said judgment to the Supreme Court of Hong-Kong : provided always, that no appeal shall be allowed in any suits or actions in which the damage shall not exceed 500 dollars.

4. And be it further enacted and ordained, that any party who shall appeal against the judgment of the said Consul or Vice-Consul and Assessors shall, within ten days after the giving of such judgment, intimate in writing to the said Consul or Vice-Consul his intention so to appeal, with the grounds thereof, and after such time no appeal will be received ; and the Consul or Vice-Consul shall, on receiving the intimation aforesaid, transmit to the office of the Chief Superintendent of Trade of British subjects in China at Hong-Kong, all depositions, examinations, documentary or other evidence, which were produced at the trial of the case, together with the judgment and motives thereof ; which said depositions, examinations, documentary or other evidence, together with the judgment and the motives thereof, shall be the only documents to be used at the hearing of the appeal by the Supreme Court : and the evidence whatever shall be admissible on such appeal, shall be such as was actually given at the trial of the case.

5. And be it further enacted and ordained, that in case of appeal, the

appellant only shall enter into a bond (to double the amount of the damages awarded by the Court below) with two good and valid sureties to prosecute the said appeal within six months from the date of the judgment, and also for the payment of the costs of the said appeal, and in default of prosecution of the said appeal within the time aforesaid the Supreme Court shall dismiss the said appeal with costs.

J. F. DAVIS.

Passed the Legislative Council at Hong-Kong,  
this 30th day of September, 1847.

L. D'ALMADA E CASTRO,  
*Clerk of Councils.*

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#### REGULATIONS FOR THE ANCHORING OF SHIPPING.

Regulations for the anchorage in the Hwang-poo, set apart for British ships by his Excellency the Intendant of Circuit for Soo-chow-foo, Sung-keang-foo, and Tae-tseang-chow, in concert and communication with Her Britannic Majesty's Consul at Shanghae.

In accordance with Article 1 of the Treaty of Nanking which provides that the subjects of both Governments "shall enjoy full security and protection for their persons and property within the dominions of the other," and in order more effectively to guard against accident or collision and give the required security to British vessels loading and discharging goods at Shanghae, it has been agreed between me the Intendant of Circuit and you the Honourable Consul, that the anchorage for British vessels to load and unload, heretofore extending from the Soo-chow creek to the Yang-king-pang, shall in like manner as the ground adjoining, allotted for the residence of British merchants, be subject to all such regulations as may be determined upon with the aforesaid object by me the Intendant of Circuit in concert and communication with you the Honourable Consul.

In accordance with this determination the following regulations, being thirteen in number, have been fully considered and agreed upon, and are now declared to be in force:—

1. It being necessary that a passage be always preserved on the east side of the river to afford free communication for vessels of all nations, it is clearly agreed that certain limits be laid down within the anchorage for British vessels, viz. :—To the north by a line drawn from the north end of the Battery (Consulate Ground) extending across the river due east a distance of 240 poo or 1,325 feet (English) from the low-water mark upon this line: To the south by a similar

and parallel line drawn from the north bank of the Yang-king-pang across the river, a distance of 309 poo or 1,700 feet (English) from the low-water mark thereon. The points at which these lines terminate shall have buoys moored over them, that these anchorage boundaries may be clearly known to be within a line drawn from each buoy north and south; and it becomes imperative upon all vessels anchoring therein strictly to conform to these limits, and not on any account to pass beyond them, which would obstruct the passage.

2. A free passage to the custom-house for cargo-boats, and along the west for the towing of the grain junks, shall be maintained.

3. All vessels must be moored, as has been heretofore provided, within the period of two tides from the time of their arrival at the anchorage; and in no case can a vessel, after she is moored, move or shift her berth without permission from the British Consul.

4. Whenever more than fifteen vessels shall be in this anchorage at one time, it shall be imperative upon the master or officer in charge of each vessel within the limits, to moor his ship head and stern with two anchors, to prevent collision in swinging, and to provide space for an increased number of vessels.

5. Masters requiring to beach their vessels, for the purpose of inspection or repair, must apply at the British Consulate for instructions.

6. No goods can be landed, shipped, or transshipped, without the proper chop from the Chinese authorities, or between sunset and sunrise, or Saturday evening and Monday morning. In like manner the same regulation holds on all Chinese festival days as shall be duly notified by the Chinese authorities to the British Consul.

7. The discharge of fire-arms from the merchant-vessels in the anchorage is strictly prohibited.

8. All cases of death on board a vessel in the anchorage shall be reported at the British Consulate within twenty-four hours, together with the best information attainable as to the cause of death in cases of sudden demise.

9. Seamen and persons belonging to the vessels in the anchorage are not to be permitted to go on shore without a responsible officer in charge, the masters being held distinctly responsible for the conduct of their men on shore. In the event of any men on liberty remaining on shore after sunset, the master is required without delay to send an officer to find and take them on board, and if he fail, to report the same at the British Consulate in order that investigation may be made.

10. Accidents or violence occurring within the limits of the anchorage, involving personal injury, loss of life, or property, from the collision of vessels or other causes, to be reported at the British Consulate as soon as practicable, and in cases of theft, or assault in which



any individuals belonging to a ship in the anchorage and Chinese are both concerned, a Chinese, if in the wrong, and there be no officer of his country at hand, may be conveyed to the British Consul, who will proceed to investigate the extent of the offence and accordingly proceed against him. But under no circumstances are the crews or officers of such ships to use personal violence towards Chinese for the redress of their grievances.

11. In the event of any vessels of other nations desiring to anchor within the limits above specified, no obstacle shall hereafter be raised, such vessels being subject during the time to the same Regulations, in like manner and as fully as British vessels.

12. Hereafter in all these matters determined upon and in accordance with Treaty, should any corrections be requisite, or should it be necessary to determine upon further Regulations, or should the meaning not be clear, the same must always be consulted upon and settled by the British and Chinese authorities in communication together.

13. Hereafter, should the British Consul discover any breach of the Regulations above laid down, or should any merchants or others lodge information thereof, or should the local authorities address the Consul thereon, the Consul must in every case examine in what way it is a breach of the Regulations, and whether it requires punishment or not, and he will adjudicate and punish the same in one and the same way as for a breach of the Treaty and Regulations.

Taoukwang, 27th year, 2nd month, 6th day (April 4, 1847).

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*Government Notification.—Rates of Pilotage.*

HIS Excellency Her Majesty's Plenipotentiary, &c., is pleased to direct that the annexed rates of pilotage at the ports of trade, as settled by Her Majesty's Consul, be published for general information :—

*Shanghai.*—5 dollars for all vessels, irrespective of tonnage or draft of water.

*Ningpo.*—5 dollars for each vessel from and to Square Island; 10 dollars from and to the Chusan Islands.

*Foo-chow-foo.*—50 cents for each foot the vessel draws up to twelve, and 1 dollar for every additional foot to the Woo-foo-mun Pass; from that to the anchorage at Pagoda Island 50 cents additional for each foot: and from thence to the bridge at Nantae 25 cents for each foot; all exclusive of charge for tow-boats.

*Amoy.*—No pilots needed, and none employed.

*Canton.*—5 cents per ton, and 1 dollar for each bar-boat, when required.

By Order,

(Signed)

A. R. JOHNSTON.

*Victoria, Hong-Kong, March 4, 1847.*

ORDINANCES ISSUED IN THE YEAR 1849 BY THE AUTHORITIES  
IN CHINA.

No. 1.

*Ordinance for the better obtaining of Evidence in the  
Consular Courts.*

Anno Duodecimo Victoriæ Reginæ. (No. 1 of 1849.)

By his Excellency Samuel George Bonham, Esq., &c., &c.

**Title.** An Ordinance for the better obtaining of Evidence in the Consular Courts in China, and to amend the Ordinance No. 3 of 1847, intituled "An Ordinance to authorise Her Majesty's Consular Officers to adjudicate in Civil Actions."

[June 7, 1849.]

**Preamble.** WHEREAS the attainment of proper evidence in the Consular Courts has in some cases been attended with difficulty and inconvenience, or proved impracticable by reason of material witnesses residing beyond the jurisdiction of the Consular Court: and whereas also, by the fourth section of the said Ordinance No. 3 of 1847, it is provided that no evidence shall be admissible on an appeal to the Supreme Court of Hong-Kong from a Consular Court, save and except such evidence as was actually given at the trial of the case in the Court below; and inasmuch as it appears that a party appellant or respondent may at times be able, in cases of appeal, to produce material evidence within the colony and before the said Supreme Court, which the said parties had not the power of so producing before such Consular Court on the original trial:

Consuls empowered to issue commissions for the examination of witnesses within the

I. Be it enacted and ordained by his Excellency the Governor of Hong-Kong, with the advice of the Legislative Council thereof, That whenever any civil case shall or may be depending before any of Her Majesty's Consuls or Vice-Consuls, and that such Consul or Vice-Consul shall deem it

expedient, it shall be lawful and competent for any such Consul or Vice-Consul to issue a commission for the examination on interrogatories of any witness or witnesses resident within the jurisdiction of the Supreme Court of Hong-Kong: Provided always, that when such witness or witnesses shall be resident within the colony of Hong-Kong, or at any place within the jurisdiction of the said Court not being a Consular port, such commission shall be directed to two Justices of the Peace of the said colony, whose names shall be specified in such commission; and that when such witness or witnesses shall be resident at any one of the Consular ports, then such commission shall be directed to the Consul or Vice-Consul at such port, or to the person acting on his behalf; and that all such Commissioner or Commissioners shall have full power in all cases to require the party or parties speeding such commission to procure such interpreters and translators as such Commissioners shall deem fit and proper, in order that they the said Commissioners may transmit the evidence in English, in pursuance of any such commission.

II. And be it further enacted and ordained, That in the event of any person or persons being resident within the said colony or at any place within the jurisdiction of the Supreme Court, not being a Consular port, and refusing to appear before the said Commissioner or Commissioners for the purpose of examination, it shall and may be lawful to and for any party in the suit or action to apply by petition duly verified by affidavit, to the Chief Justice of the Supreme Court of Hong-Kong, to whom it shall thereupon be lawful to make such order or orders as to him shall seem requisite, touching and respecting the attendance of any such witness or witnesses before such Commissioner or Commissioners; and that in the event of any person or persons resident at any Consular port refusing to appear before the Consul or Vice-Consul for the purpose of examination, it shall be lawful for the said Consul or Vice-Consul to proceed against the person or persons so refusing, in the same manner as if such person or persons had been guilty of contempt of the Consular Court.

III. And be it further enacted and ordained, That notwithstanding the fourth section of the said Ordinance No. 3 of 1847, declaring "that," on the hearing of an appeal by the Supreme Court, "no evidence whatever shall be admissible

jurisdiction  
of the Su-  
preme Court.

Means of  
procuring at-  
tendance of  
witnesses  
before Com-  
missioners.

Additional  
evidence  
admitted on  
appeals from  
the Consular  
Courts, un-

der certain  
circum-  
stances.

on such appeal, save and except such as was actually given at the trial of the case in the Court below," it shall and may henceforth be lawful for the said Supreme Court, on the hearing of any appeal either now pending or hereafter to be brought, to admit any additional or further legal evidence besides that adduced at the trial of the case below, on its appearing to the said Supreme Court, by oath or affidavit, that the party desiring to produce such additional evidence was unable so to do at the trial of the case below, after due and reasonable diligence and exertion on the part of the the party so applying.

(Signed) S. G. BONHAM.

Passed the Legislative Council of Hong-Kong,  
this 7th day of June, 1849.

L. D'ALMADA E CASTRO,  
*Clerk of Councils.*

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No. 2.

*Ordinance to Regulate and Declare the Duties and Office of  
Consular Agent.\**

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No. 3.

*Ordinance for the safe and better Custody of Offenders.*

Anno Decimo Tertio Victoriæ Reginae. (No. 3 of 1849.)

By his Excellency Samuel George Bonham, Esq., &c., &c.

Title.

An Ordinance for the safe and better Custody of Offenders sentenced to Imprisonment by any of the Consular Courts in the dominions of the Emperor of China.

[July 19, 1849.]

Preamble.

WHEREAS the prisons at the Consular ports in China are at times insufficient for the proper custody and for the due preservation of the health of prisoners :

Power to the  
Consuls at  
the respec-  
tive ports to  
transmit per-  
sons sen-  
tenced to im-  
prisonment  
to the gaol at  
Hong-Kong.

I. Be it therefore enacted and ordained by his Excellency the Governor of Hong-Kong and Chief Superintendent of the Trade of Her Majesty's subjects in China, with the advice of the Legislative Council of Hong-Kong, That from and after the passing of this Ordinance it shall and may be

\* Repealed by Ordinance No. 4 of 1849.

lawful to and for any Consul, Vice-Consul, or Consular Agent, having power to pass sentence of imprisonment, to direct and order in his or their direction by such sentence or judgment, that every such prisoner shall and may be by the first suitable opportunity conveyed to Her Majesty's gaol at Victoria in the colony of Hong-Kong, there to complete and to undergo the period of imprisonment which may be awarded against him or them: Provided always that such Consul, Vice-Consul, or Consular Agent shall and may have full power to make and give all necessary orders and directions by such judgment or otherwise for the safe custody and conveyance of such prisoner until he can be so lodged in the said Colonial gaol.

II. And be it further enacted, ordained, and declared, <sup>Indemnity to Consuls for previous cases of transmission of offenders.</sup> That every such Consul, Vice-Consul, or Consular Agent, who has heretofore sent, or caused to be sent, any prisoner for custody to any of the Colonial gaols at Hong-Kong, shall be considered and is hereby declared to be fully indemnified from all or any suit or action at law or otherwise for so doing.

(Signed)

S. G. BONHAM.

Passed the Legislative Council of Hong-Kong,  
this 19th day of July, 1849.

L. D'ALMADA E CASTRO,  
*Clerk of Councils.*

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No. 4.

*Ordinance to Repeal Ordinance No. 2 of 1849, and make other provisions in lieu thereof.*

Anno Decimo Tertio Victoriæ Regiæ. (No. 4 of 1849.)

By his Excellency Samuel George Bonham, Esq., &c.

An Ordinance to repeal the Ordinance No. 2 of 1849, in-Title. titled "An Ordinance to regulate and declare the Duties and Office of Consular Agent," and to make other and further provisions in lieu thereof.

[August 1, 1849.]

WHEREAS certain inaccuracies are contained in the said Preamble. Ordinance No. 2 of 1849, and it is expedient to repeal the

[August 12, 1847.]

WHEREAS for the better government of British subjects within the dominions of the Emperor of China, it has been deemed expedient to adopt the provisions of a late Order of Her Majesty in Council for granting more extensive powers to Her Majesty's Consular Officers in the Ottoman dominions: and whereas it is necessary to make certain additions to the Consular jurisdiction, conferred by Ordinance No. 7 of 1844, for Her Majesty's subjects within the dominions of the Emperor of China, intituled, "An Ordinance for the better administration of justice in the Consular Courts, and to establish a Registration of British subjects within the dominions of the Emperor of China.

1. Be it therefore enacted and ordained by His Excellency the Governor of Hong-Kong, with the advice of the Legislative Council thereof, that the above cited Ordinance, No. 7 of 1844, shall continue to have full force and effect, except in so far as the same is opposed to the provisions of the present Ordinance.

2. And be it further enacted and ordained, that in all cases in which parties shall be accused before Her Majesty's Consuls or Vice-Consuls, of the crimes of arson, house-breaking, cutting or maiming, stabbing, or assault endangering life, and in which the said Consuls or Vice-Consuls shall have exclusive jurisdiction, the proceedings in the Consular Courts shall be conducted in the presence of Assessors convened in the manner pointed out in the aforesaid Ordinance, No. 7 of 1844; and it shall and may be lawful for the Consul or Vice-Consul, holding such Court, to order, that any person who shall be convicted in the said Court, of any of the crimes aforesaid, shall over and above any fine or imprisonment which may be awarded to such person, be sent out of the dominions of the Emperor of China notwithstanding the crime laid to the charge of such person being the first of which he has been convicted in a Consular Court; and all the rules laid down in the aforesaid Ordinance, No. 7 of 1844, touching Consular Courts, held in the presence of Assessors, and the expulsion of persons from the dominions of the Emperor of China, shall continue to be observed with reference to the present Ordinance.

3. And be it further enacted and ordained, that whenever any British subject shall be convicted for the first time in the Court of Her Majesty's Consuls or Vice-Consuls in the dominions of the Emperor of China, for any crime or misdemeanour endangering the public peace, if such British subject shall have no establishment in the dominions of the Emperor of China, nor any ostensible means of subsistence, it shall and may be lawful for such Consul or Vice-Consul to require such British subject to produce some one person who will enter into security for his good behaviour after payment of the fine imposed upon him or the

expiration of the term of imprisonment awarded him, provided always that the security so required shall not be excessive; and in the event of any British subject so convicted being unable to produce some such person to enter into the required security, then and in that case it shall be lawful for Her Majesty's Consul or Vice-Consul to send such British subject out of the Chinese dominions, in the same manner as if he had been twice convicted.

4. And be it further enacted and ordained, that it shall and may be lawful for any of Her Majesty's Consuls or Vice-Consuls in the dominions of the Emperor of China, upon oath being made before him by one or more credible witnesses, that there is reasonable ground to apprehend that any British subject is about to commit a breach of the public peace, to cause such British subject to be brought before him, and to require such British subject to give sufficient security to keep the peace; or, in the event of any British subject being convicted of a breach of the peace, to cause such British subject to find security for his good behaviour, after he shall have undergone the punishment which may have been awarded to him in the Consular Court; and in the event of any British subject who may be required as aforesaid to give sufficient security to keep the peace or to find security for his good behaviour, being unable or unwilling to do so, then and in that case it shall be lawful for Her Majesty's Consul or Vice-Consul to send such British subject out of the Chinese dominions.

J. F. DAVIS.

Passed the Legislative Council at Hong-Kong,  
this 12th day of August, 1847.

L. D'ALMADA E CASTRO,  
*Clerk of Council.*

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BRITISH ORDINANCE, AUTHORIZING HER MAJESTY'S CONSULAR OFFICERS  
IN CHINA TO ADJUDICATE IN CIVIL ACTIONS.—Hong-Kong, Sep-  
tember 30, 1847.

Anno Undecimo Victoriæ Reginæ. (No. 3 of 1847.)

By His Excellency Sir John Francis Davis, Baronet, &c.

An Ordinance to authorise Her Majesty's Consular Officers to adju-  
dicate in civil actions.

[September 30, 1847.]

WHEREAS it is expedient and necessary that some provisions should be made to insure a prompt and steady administration of justice in civil actions arising within the dominions of the Emperor of China, and

whereas the present mode of trial in the Supreme Court of Hong-Kong in cases in which the causes of action originated at a distance from the said island, has been found to be inconvenient and onerous to the suitors :

1. Be it therefore enacted and ordained, that from and after the date of this Ordinance, Her Majesty's Consuls or Vice-Consuls in China shall possess jurisdiction, power, and authority to adjudicate upon and determine in all civil suits and actions whatever may be the amount of damages claimed. Provided always, that the causes of action shall accrue or originate within the dominions of the Emperor of China.

2. And whereas it is already provided, by Ordinance No. 1 of 1847, that Her Majesty's Consuls shall by themselves adjudicate in all civil suits or actions not exceeding the amount of 500 dollars ; be it further enacted and ordained, that in all civil suits or actions above the amount of 500 dollars, it shall be lawful for any of Her Majesty's Consuls or Vice-Consuls to summon, in the manner prescribed by Ordinance No. 7 of 1844, two or not more than four British subjects of good repute to sit with him as Assessors, to inquire, try, and determine such civil suits or actions, and to adjudicate thereon with the assistance of such Assessors.

3. And be it further enacted and ordained, that it shall and may be lawful for either of the parties in a civil suit or action, who shall feel himself aggrieved by the judgment of the said Consul or Vice-Consul and Assessors, to appeal against the said judgment to the Supreme Court of Hong-Kong : provided always, that no appeal shall be allowed in any suits or actions in which the damage shall not exceed 500 dollars.

4. And be it further enacted and ordained, that any party who shall appeal against the judgment of the said Consul or Vice-Consul and Assessors shall, within ten days after the giving of such judgment, intimate in writing to the said Consul or Vice-Consul his intention so to appeal, with the grounds thereof, and after such time no appeal will be received ; and the Consul or Vice-Consul shall, on receiving the intimation aforesaid, transmit to the office of the Chief Superintendent of Trade of British subjects in China at Hong-Kong, all depositions, examinations, documentary or other evidence, which were produced at the trial of the case, together with the judgment and motives thereof ; which said depositions, examinations, documentary or other evidence, together with the judgment and the motives thereof, shall be the only documents or evidence used at the hearing of the appeal by the Supreme Court ; and that no evidence whatever shall be admissible on such appeal, save and except such as was actually given at the trial of the case in the Court below.

5. And be it further enacted and ordained, that in case of appeal, the



appellant only shall enter into a bond (to double the amount of the damages awarded by the Court below) with two good and valid sureties to prosecute the said appeal within six months from the date of the judgment, and also for the payment of the costs of the said appeal, and in default of prosecution of the said appeal within the time aforesaid the Supreme Court shall dismiss the said appeal with costs.

J. F. DAVIS.

Passed the Legislative Council at Hong-Kong,  
this 30th day of September, 1847.

L. D'ALMADA E CASTRO,  
*Clerk of Councils.*

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#### REGULATIONS FOR THE ANCHORING OF SHIPPING.

Regulations for the anchorage in the Hwang-poo, set apart for British ships by his Excellency the Intendant of Circuit for Soo-chow-foo, Sung-keang-foo, and Tae-tseang-chow, in concert and communication with Her Britannic Majesty's Consul at Shanghai.

In accordance with Article 1 of the Treaty of Nanking which provides that the subjects of both Governments "shall enjoy full security and protection for their persons and property within the dominions of the other," and in order more effectively to guard against accident or collision and give the required security to British vessels loading and discharging goods at Shanghai, it has been agreed between me the Intendant of Circuit and you the Honourable Consul, that the anchorage for British vessels to load and unload, heretofore extending from the Soo-chow creek to the Yang-king-pang, shall in like manner as the ground adjoining, allotted for the residence of British merchants, be subject to all such regulations as may be determined upon with the aforesaid object by me the Intendant of Circuit in concert and communication with you the Honourable Consul.

In accordance with this determination the following regulations, being thirteen in number, have been fully considered and agreed upon, and are now declared to be in force:—

1. It being necessary that a passage be always preserved on the east side of the river to afford free communication for vessels of all nations, it is clearly agreed that certain limits be laid down within the anchorage for British vessels, viz.:—To the north by a line drawn from the north end of the Battery (Consulate Ground) extending across the river due east a distance of 240 pao or 1,325 feet (English) from the low-water mark upon this line: To the south by a similar

and parallel line drawn from the north bank of the Yang-king-pang across the river, a distance of 309 poo or 1,700 feet (English) from the low-water mark thereon. The points at which these lines terminate shall have buoys moored over them, that these anchorage boundaries may be clearly known to be within a line drawn from each buoy north and south; and it becomes imperative upon all vessels anchoring therein strictly to conform to these limits, and not on any account to pass beyond them, which would obstruct the passage.

2. A free passage to the custom-house for cargo-boats, and along the west for the towing of the grain junks, shall be maintained.

3. All vessels must be moored, as has been heretofore provided, within the period of two tides from the time of their arrival at the anchorage; and in no case can a vessel, after she is moored, move or shift her berth without permission from the British Consul.

4. Whenever more than fifteen vessels shall be in this anchorage at one time, it shall be imperative upon the master or officer in charge of each vessel within the limits, to moor his ship head and stern with two anchors, to prevent collision in swinging, and to provide space for an increased number of vessels.

5. Masters requiring to beach their vessels, for the purpose of inspection or repair, must apply at the British Consulate for instructions.

6. No goods can be landed, shipped, or transshipped, without the proper chop from the Chinese authorities, or between sunset and sunrise, or Saturday evening and Monday morning. In like manner the same regulation holds on all Chinese festival days as shall be duly notified by the Chinese authorities to the British Consul.

7. The discharge of fire-arms from the merchant-vessels in the anchorage is strictly prohibited.

8. All cases of death on board a vessel in the anchorage shall be reported at the British Consulate within twenty-four hours, together with the best information attainable as to the cause of death in cases of sudden demise.

9. Seamen and persons belonging to the vessels in the anchorage are not to be permitted to go on shore without a responsible officer in charge, the masters being held distinctly responsible for the conduct of their men on shore. In the event of any men on liberty remaining on shore after sunset, the master is required without delay to send an officer to find and take them on board, and if he fail, to report the same at the British Consulate in order that investigation may be made.

10. Accidents or violence occurring within the limits of the anchorage, involving personal injury, loss of life, or property, from the collision of vessels or other causes, to be reported at the British Consulate as soon as practicable, and in cases of theft, or assault in which

any individuals belonging to a ship in the anchorage and Chinese are both concerned, a Chinese, if in the wrong, and there be no officer of his country at hand, may be conveyed to the British Consul, who will proceed to investigate the extent of the offence and accordingly proceed against him. But under no circumstances are the crews or officers of such ships to use personal violence towards Chinese for the redress of their grievances.

11. In the event of any vessels of other nations desiring to anchor within the limits above specified, no obstacle shall hereafter be raised, such vessels being subject during the time to the same Regulations, in like manner and as fully as British vessels.

12. Hereafter in all these matters determined upon and in accordance with Treaty, should any corrections be requisite, or should it be necessary to determine upon further Regulations, or should the meaning not be clear, the same must always be consulted upon and settled by the British and Chinese authorities in communication together.

13. Hereafter, should the British Consul discover any breach of the Regulations above laid down, or should any merchants or others lodge information thereof, or should the local authorities address the Consul thereon, the Consul must in every case examine in what way it is a breach of the Regulations, and whether it requires punishment or not, and he will adjudicate and punish the same in one and the same way as for a breach of the Treaty and Regulations.

Taoukwang, 27th year, 2nd month, 6th day (April 4, 1847).

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*Government Notification.—Rates of Pilotage.*

HIS Excellency Her Majesty's Plenipotentiary, &c., is pleased to direct that the annexed rates of pilotage at the ports of trade, as settled by Her Majesty's Consul, be published for general information :—

*Shanghai.*—5 dollars for all vessels, irrespective of tonnage or draft of water.

*Ningpo.*—5 dollars for each vessel from and to Square Island; 10 dollars from and to the Chusan Islands.

*Foo-chow-foo.*—50 cents for each foot the vessel draws up to twelve, and 1 dollar for every additional foot to the Woo-foo-mun Pass; from that to the anchorage at Pagoda Island 50 cents additional for each foot: and from thence to the bridge at Nantae 25 cents for each foot; all exclusive of charge for tow-boats.

*Amoy.*—No pilots needed, and none employed.

*Canton.*—5 cents per ton, and 1 dollar for each bar-boat, when required.

By Order,

(Signed)

A. R. JOHNSTON.

*Victoria, Hong-Kong, March 4, 1847.*

ORDINANCES ISSUED IN THE YEAR 1849 BY THE AUTHORITIES  
IN CHINA.

No. 1.

*Ordinance for the better obtaining of Evidence in the  
Consular Courts.*

Anno Duodecimo Victorix Reginx. (No. 1 of 1849.)

By his Excellency Samuel George Bonham, Esq., &c., &c.

**Title.** An Ordinance for the better obtaining of Evidence in the Consular Courts in China, and to amend the Ordinance No. 3 of 1847, intituled "An Ordinance to authorise Her Majesty's Consular Officers to adjudicate in Civil Actions."

[June 7, 1849.]

**Preamble.** WHEREAS the attainment of proper evidence in the Consular Courts has in some cases been attended with difficulty and inconvenience, or proved impracticable by reason of material witnesses residing beyond the jurisdiction of the Consular Court: and whereas also, by the fourth section of the said Ordinance No. 3 of 1847, it is provided that no evidence shall be admissible on an appeal to the Supreme Court of Hong-Kong from a Consular Court, save and except such evidence as was actually given at the trial of the case in the Court below; and inasmuch as it appears that a party appellant or respondent may at times be able, in cases of appeal, to produce material evidence within the colony and before the said Supreme Court, which the said parties had not the power of so producing before such Consular Court on the original trial:

**Consuls empowered to issue commissions for the examination of witnesses within the** I. Be it enacted and ordained by his Excellency the Governor of Hong-Kong, with the advice of the Legislative Council thereof, That whenever any civil case shall or may be depending before any of Her Majesty's Consuls or Vice-Consuls, and that such Consul or Vice-Consul shall deem it

expedient, it shall be lawful and competent for any such Consul or Vice-Consul to issue a commission for the examination on interrogatories of any witness or witnesses resident within the jurisdiction of the Supreme Court of Hong-Kong: Provided always, that when such witness or witnesses shall be resident within the colony of Hong-Kong, or at any place within the jurisdiction of the said Court not being a Consular port, such commission shall be directed to two Justices of the Peace of the said colony, whose names shall be specified in such commission; and that when such witness or witnesses shall be resident at any one of the Consular ports, then such commission shall be directed to the Consul or Vice-Consul at such port, or to the person acting on his behalf; and that all such Commissioner or Commissioners shall have full power in all cases to require the party or parties speeding such commission to procure such interpreters and translators as such Commissioners shall deem fit and proper, in order that they the said Commissioners may transmit the evidence in English, in pursuance of any such commission.

II. And be it further enacted and ordained, That in the event of any person or persons being resident within the said colony or at any place within the jurisdiction of the Supreme Court, not being a Consular port, and refusing to appear before the said Commissioner or Commissioners for the purpose of examination, it shall and may be lawful to and for any party in the suit or action to apply by petition duly verified by affidavit, to the Chief Justice of the Supreme Court of Hong-Kong, to whom it shall thereupon be lawful to make such order or orders as to him shall seem requisite, touching and respecting the attendance of any such witness or witnesses before such Commissioner or Commissioners; and that in the event of any person or persons resident at any Consular port refusing to appear before the Consul or Vice-Consul for the purpose of examination, it shall be lawful for the said Consul or Vice-Consul to proceed against the person or persons so refusing, in the same manner as if such person or persons had been guilty of contempt of the Consular Court.

III. And be it further enacted and ordained, That notwithstanding the fourth section of the said Ordinance No. 3 of 1847, declaring "that," on the hearing of an appeal by the Supreme Court, "no evidence whatever shall be admissible

jurisdiction  
of the Su-  
preme Court.

Means of  
procuring at-  
tendance of  
witnesses  
before Com-  
missioners.

Additional  
evidence  
admitted on  
appeals from  
the Consular  
Courts, un-

der certain  
circum-  
stances.

on such appeal, save and except such as was actually given at the trial of the case in the Court below," it shall and may henceforth be lawful for the said Supreme Court, on the hearing of any appeal either now pending or hereafter to be brought, to admit any additional or further legal evidence besides that adduced at the trial of the case below, on its appearing to the said Supreme Court, by oath or affidavit, that the party desiring to produce such additional evidence was unable so to do at the trial of the case below, after due and reasonable diligence and exertion on the part of the the party so applying.

(Signed) S. G. BONHAM.

Passed the Legislative Council of Hong-Kong,  
this 7th day of June, 1849.

L. D'ALMADA E CASTRO,  
*Clerk of Councils.*

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No. 2.

*Ordinance to Regulate and Declare the Duties and Office of  
Consular Agent.\**

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No. 3.

*Ordinance for the safe and better Custody of Offenders.*

Anno Decimo Tertio Victoriæ Reginae. (No. 3 of 1849.)

By his Excellency Samuel George Bonham, Esq., &c., &c.

Title.

An Ordinance for the safe and better Custody of Offenders sentenced to Imprisonment by any of the Consular Courts in the dominions of the Emperor of China.

[July 19, 1849.]

Preamble.

WHEREAS the prisons at the Consular ports in China are at times insufficient for the proper custody and for the due preservation of the health of prisoners :

Power to the  
Consuls at  
the respec-  
tive ports to  
transmit per-  
sons sen-  
tenced to im-  
prisonment  
to the gaol at  
Hong-Kong.

I. Be it therefore enacted and ordained by his Excellency the Governor of Hong-Kong and Chief Superintendent of the Trade of Her Majesty's subjects in China, with the advice of the Legislative Council of Hong-Kong, That from and after the passing of this Ordinance it shall and may be

\* Repealed by Ordinance No. 4 of 1849.

lawful to and for any Consul, Vice-Consul, or Consular Agent, having power to pass sentence of imprisonment, to direct and order in his or their direction by such sentence or judgment, that every such prisoner shall and may be by the first suitable opportunity conveyed to Her Majesty's gaol at Victoria in the colony of Hong-Kong, there to complete and to undergo the period of imprisonment which may be awarded against him or them: Provided always that such Consul, Vice-Consul, or Consular Agent shall and may have full power to make and give all necessary orders and directions by such judgment or otherwise for the safe custody and conveyance of such prisoner until he can be so lodged in the said Colonial gaol.

II. And be it further enacted, ordained, and declared, <sup>Indemnity to Consuls for previous cases of transmission of offenders.</sup> That every such Consul, Vice-Consul, or Consular Agent, who has heretofore sent, or caused to be sent, any prisoner for custody to any of the Colonial gaols at Hong-Kong, shall be considered and is hereby declared to be fully indemnified from all or any suit or action at law or otherwise for so doing.

(Signed) S. G. BONHAM.

Passed the Legislative Council of Hong-Kong,  
this 19th day of July, 1849.

L. D'ALMADA E CASTRO,  
*Clerk of Councils.*

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No. 4.

*Ordinance to Repeal Ordinance No. 2 of 1849, and make other provisions in lieu thereof.*

Anno Decimo Tertio Victoriæ Reginae. (No. 4 of 1849.)

By his Excellency Samuel George Bonham, Esq., &c.

An Ordinance to repeal the Ordinance No. 2 of 1849, in-Title. titled "An Ordinance to regulate and declare the Duties and Office of Consular Agent," and to make other and further provisions in lieu thereof.

[August 1, 1849.]

WHEREAS certain inaccuracies are contained in the said Preamble. Ordinance No. 2 of 1849, and it is expedient to repeal the

said Ordinance, and to make other and further provisions in lieu thereof:

Ordinance  
No. 2 of 1849  
repealed.

1. Be it therefore enacted and ordained by his Excellency the Governor of Hong-Kong and Chief Superintendent of the Trade of Her Majesty's subjects in China, with the advice of the Legislative Council of Hong-Kong, that the said Ordinance No. 2 of 1849 be and the same is hereby repealed.

Provisions  
as to Juris-  
diction of  
Consular  
Agents.

2. And be it further enacted and ordained, That from and after the passing of this Ordinance, any person being a Consular Agent duly appointed or acting as such Consular Agent within the dominions of the Emperor of China, shall, at the station where he may be resident and such parts adjacent thereto as Her Majesty's Consul at the port to which such Consular Agent may be attached shall from time to time prescribe in writing, possess and have, subject to the provisoes and exceptions hereinafter contained, the same jurisdiction and power as is now or shall hereafter be vested in Her Majesty's said Consul: Provided always that it shall be competent to and for every such Consular or Acting Consular Agent, before or during the hearing of any case or matter which may be brought before him in his official capacity for trial or determination, to remit such case or matter for trial or determination by the said Consul.

Appeal to  
the Consul  
in certain  
cases.

3. And be it further enacted and ordained, That each and every decision made by such Consular or Acting Consular Agent may be varied or set aside by an appeal to Her Majesty's Consul at the port to which such Consular Agent may be attached, except in cases where the decision of such Consular Agent shall not impose a penalty or decree a payment exceeding twenty-five dollars, or shall not subject any person to a period of imprisonment exceeding ten days.

Consul's de-  
cision on ap-  
peal to have  
effect as an  
original de-  
cision.

4. And be it further enacted and ordained, That in each and every case of such appeal, the decision of the said Consul shall be held and deemed to be an original decision or judgment of such Consul.

Indemnity  
of Consular  
Agents.

5. And be it further enacted and ordained, That with respect to all official acts heretofore done by every such Consular or Acting Consular Agent, he and they respectively shall be, and are hereby declared to be, indemnified for the consequence or consequences of all such acts, and to have been duly authorized in the execution of the same, as fully as if he or they had been, at the respective periods of doing



such act or acts, invested with the plenary powers now possessed by Her Majesty's Consuls.

6. And for the removal of doubts concerning the jurisdiction of Consuls, be it further enacted and ordained, That all Consuls shall at their several and respective ports have jurisdiction, power, and authority over British subjects within the dominions of the Emperor of China, or within any ship or vessel at a distance of not more than one hundred miles from the coast of China.

For the removal of doubts as to the jurisdiction of Consuls.

7. And be it further enacted and ordained, That it shall and may be lawful to and for Her Majesty's Chief Superintendent of Trade, by written directions under his hand, from time to time to limit any power or jurisdiction conferred on every such Consul, Consular or Acting Consular Agent, by this or any other Ordinance heretofore passed.

Power to Chief Superintendent of Trade to limit jurisdiction of Consular Agents.

(Signed)

S. G. BONHAM.

Passed the Legislative Council of Hong-Kong,  
this 1st day of August, 1849.

L. D'ALMADA E CASTRO,  
*Clerk of Councils.*

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18 & 19 VICT. REG. CAP. CIV.

*An Act for the Regulation of Chinese Passenger-Ships.*

*Abbreviations:* B., British; C., Chinese; C. P. S., Chinese Passenger Ship; B. S., British Ship; B. P., British Possession.

[14th August, 1855.]

WHEREAS abuses have occurred in conveying emigrants from ports in the C. seas: and whereas it is expedient to prevent such abuses: be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. In the construction of this Act the term "C. P. S." shall include every ship carrying from any port in Hong-Kong, and every B. ship carrying from any port in China or within one hundred miles of the coast thereof, more than 20 passengers, being natives of Asia; the word "colony" shall include all Her Majesty's possessions abroad not being under

Definition of certain terms herein mentioned.

the Government of the East India Company; the word "Governor" shall signify the person for the time being lawfully administering the Government of such colony; the term "Legislature of Hong-Kong" shall signify the Governor and Legislative Council or other legislative authority of the same for the time being; the word "ship" shall include all sea-going vessels; the terms "commander" and "master" of any ship shall include any person for the time being in command or charge of the same; the term "Emigration Officer" shall include every person lawfully acting as emigration officer, immigration agent, or protector of emigrants, and every person authorized by the Governor of any B. colony to carry out the provisions of this Act; and the term "B. Consul" shall include every person lawfully exercising Consular authority on behalf of Her Majesty in any foreign port.

Legislature of Hong-Kong to make regulations respecting passenger ships, &c.

2. It shall be lawful for the Legislature of Hong-Kong, by any Ordinance to be by them enacted for that purpose, to make regulations respecting C. P. Ss., and, in the case of B. ships, respecting the treatment of the passengers therein while at sea, and until such enactment the regulations contained in Schedule (A.) to this Act annexed shall be in force: provided always, that no such Ordinance shall come into operation until Her Majesty's confirmation of the same shall have been proclaimed in Hong-Kong by the Governor thereof.

Governor of Hong-Kong to declare length of voyages.

3. It shall be lawful for the Governor of Hong-Kong to declare, by proclamation, for the purposes of this Act and of the said regulations, what shall be deemed to be the duration of the voyage of any C. P. S., and by such proclamation to alter the scales of dietary, medicines, and medical comforts contained in the aforesaid Schedule (A.).

No C. P. S. to clear out on voyage of more than seven days without Emigration Officer's certificate and copy of regulations, nor until bond be given to Crown.

4. No C. P. S. shall clear out or proceed to sea on any voyage of more than seven days' duration until the master thereof shall have received from an Emigration Officer a copy of the aforesaid regulations, and a certificate in the form contained in Schedule (B.) to this Act annexed, or in such other form as may be prescribed by the said Legislature, which copy and certificate, with any documents to be attached thereto (hereinafter designated as emigration papers), shall be signed by the said Emigration Officer, nor until the master shall, with two sufficient sureties, to be approved by the said Emigration Officer, have entered into a joint and several bond in the sum of 1000*l.* to Her Majesty, her heirs and successors,

in the form contained in Schedule (C.) to this Act annexed, or in such other form as shall be prescribed by the said Legislature.

5. The said penal sum of 1000*l.* shall be due and recover-  
able notwithstanding any penalty or forfeiture imposed by  
this Act or by the aforesaid regulations, and whether such  
penalties or forfeitures shall have been sued for and recovered  
or not.

Penalty of  
bond, when  
recoverable.

6. It shall be lawful for the Commander of any of Her  
Majesty's ships of war, or for any Emigration Officer, custom  
house officer, or B. Consul, to enter and search any C. P. S.  
(being a B. vessel or within B. jurisdiction) so long as such  
ship shall have any passengers on board, and for 48 hours  
afterwards, and in case such ship shall be engaged on a  
voyage of more than seven days' duration, to require the pro-  
duction of the emigration papers of such ship, and to examine  
all persons on board of the same, in order to ascertain  
whether the provisions of this Act and of the regulations  
aforesaid have been complied with; and any person who  
refuses to allow, attempts to avoid, or obstructs any such  
entry, search, or examination, or who, knowingly, misleads  
or deceives any person lawfully making any such search or  
examination, or who, being the master of the ship, or having  
the emigration papers in his custody, fails to produce the  
same when required as aforesaid, shall be deemed guilty of  
a misdemeanour.

Commander  
of ships of  
war, &c.,  
may search  
ships, or  
require pro-  
duction of  
papers.

7. In case of any neglect or refusal to comply with any of  
the provisions of this Act, or any of the regulations afore-  
said, or to perform any stipulation in any of the contracts  
made with the passengers, the master of the ship and any  
other person who may have been guilty of or have aided or  
abetted such neglect or refusal shall each be deemed for  
each offence guilty of a misdemeanour.

Penalty for  
neglect to  
comply with  
regulations,  
&c.

8. If any C. P. S. clears out or proceeds to sea on any  
voyage exceeding seven days in duration without such emigra-  
tion papers as aforesaid, or if the emigration papers of any  
C. P. S. are forged or fraudulently altered, such ship shall, if  
she is a B. S., or if, not being a B. S., the offence is commit-  
ted and the ship is seized in Her Majesty's dominions, or in  
the territories of the East India Company, be forfeited to Her  
Majesty.

Ship to be  
forfeited for  
clearing  
without  
emigration  
papers, or for  
forgery of  
such papers.

9. Every person who commits, or aids or abets in commit-  
ting any act or default by which any C. P. S. may become

Penalties in  
addition to  
forfeiture.

liable to forfeiture, shall be liable to a penalty not exceeding 100*l.* for each offence.

Mode of enforcing forfeiture.

10. It shall be lawful for any commissioned officer on full pay in the military or naval service of Her Majesty, or any B. officer of Customs, or any B. Consul, to seize and detain any ship which has become subject to forfeiture as aforesaid, and bring her for adjudication before the High Court of Admiralty in England or Ireland, or any Court having Admiralty jurisdiction in Her Majesty's dominions, or in the territories of the East India Company, and such Court may thereupon make such order in the case as it thinks fit, and may award such portion of the proceeds of the sale of any forfeited ship as it thinks right to the officer bringing in the same for adjudication, or to any persons damaged by the act or default which has rendered the ship liable to forfeiture.

Officer not liable for any seizure made on reasonable grounds.

11. No such officer as aforesaid shall be responsible, either civilly or criminally, to any person whomsoever, in respect of the seizure or detention of any ship that has been seized or detained by him in pursuance of the provisions herein contained, notwithstanding that such ship is not brought in for adjudication, or, if so brought in, is declared not to be liable to forfeiture, if it is shown to the satisfaction of the Judge or Court before whom any trial relating to such ship or such seizure or detention is held that there are reasonable grounds for such seizure or detention; but if no such grounds are shown, such Judge or Court may award payment of costs and damages to any party aggrieved, and make such other order in the premises as he or it thinks just.

Fine may be substituted for forfeiture.

12. It shall be lawful for the Court before which any ship liable to forfeiture under this Act is proceeded against to impose such a pecuniary penalty as to the same Court shall seem fit, in lieu of condemning the ship, and in such case to cause the ship to be detained until the penalty is paid, and to cause any penalty so imposed to be applied in the same manner in which the proceeds of the said ship, if condemned and sold by order of the Court, would have been applicable.

Mode of procedure in criminal cases.

13. All misdemeanours and other criminal offences punishable under this Act shall be dealt with, tried, and judged of in the same manner as misdemeanours and other offences punishable under the Merchant Shipping Act, 1854, and all the rules of law, practice, or evidence applicable to the last-mentioned misdemeanours and offences shall be applicable to misdemeanours and other offences under this Act.

14. Any Court, Justice, or Magistrate imposing any penalty under this Act for which no specific application is herein provided may, if it or he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such penalty is imposed, or in or towards payment of the expenses of the proceedings; and, subject to such directions or specific application as aforesaid, all penalties recovered in the United Kingdom shall be paid into the receipt of Her Majesty's Exchequer in such manner as the Treasury may direct, and shall be carried to and form part of the Consolidated Fund of the United Kingdom; and all penalties recovered in any B. P. shall be paid over into the public treasury of such possession, and form part of the public revenue thereof.

15. In any legal proceeding taken under this Act or in respect of the bond hereinbefore required, any document purporting to be the written declaration of any B. Consul, or of the commander of any of Her Majesty's ships of war, or to be a copy of the proceedings of any Court of Justice, shall, without any proof of signature, be received in evidence, in case it shall appear that such copy or declaration, if produced in the United Kingdom, was officially transmitted to one of Her Majesty's Principal Secretaries of State, or, if produced in any colony, was officially transmitted to the Governor thereof: provided always, that no person making such written declaration as aforesaid shall be capable of receiving a share of any penalty or forfeiture which shall be procured by such written declaration.

16. This Act may be cited for any purpose whatever under the name of the "Chinese Passengers Act, 1855."

17. This Act shall come into operation as soon as it shall have been proclaimed in Hong-Kong by the Governor thereof, or, if not so proclaimed, on the first day of January next ensuing.

SCHEDULE (A.)—*Regulations respecting C. P. Ss.*

*Note.*—The wilful and fraudulent breach of any of these regulations by the person in charge of any C. P. S. is punishable by forfeiture of the ship, and every person concerned in such breach is liable to a fine of one hundred pounds for each offence.

1. No C. P. S. shall clear out or proceed to sea on any voyage of more than seven days' duration without a certificate from an Emigration Officer ; and such certificate shall be in the form provided by the Chinese Passengers Act, 1855.

2. No Emigration Officer shall be bound to give such certificate in respect of any C. P. S. till seven days after receiving notice that the ship is to carry passengers, and of her destination, and of her proposed day of sailing, nor unless there are on board a surgeon and interpreter, approved by such Emigration Officer.

3. After receiving such notice, the Emigration Officer shall be at liberty at all times to enter and inspect the ship, and the fittings, provisions, and stores therein, and any person impeding him in such entry or inspection, or refusing to allow of the same, shall be liable to a fine of not more than one hundred pounds for each offence.

4. The Emigration Officer shall not give his certificate unless he shall be satisfied,—

(1.) That the ship is sea-worthy, and properly manned, equipped, fitted, and ventilated ; and has not on board any cargo likely, from its quality, quantity, or mode of stowage, to prejudice the health or safety of the passengers :

(2.) That the space appropriated to the passengers in the 'tween decks contains at the least twelve superficial and seventy-two cubical feet of space for every adult on board ; that is to say, for every passenger above twelve years of age, and for every two passengers between the ages of one year and twelve years :

(3.) That a space of five superficial feet per adult is left clear on the upper deck for the use of the passengers ;

(4.) That provisions, fuel, and water have been placed on board, of good quality, properly packed, and sufficient to supply the passengers on board during the declared duration of the intended voyage, according to the following scale :

## DIETARY SCALE.

Rice . . . . .	lbs. 1½ per diem.
Salted Provisions—	
Wholly Pork ; or	} „ ½ do.
¾ Pork and ¼ Fish ; or	
½ Pork, ¼ Beef, and ¼ Fish	
Salted Vegetable or Pickles . . . . .	„ ½ do.
Water, Imperial Quarts . . . . .	„ 3 do.
Firewood . . . . .	lbs. 2 do.
Tea . . . . .	oz. ½ do.

(5.) That medicines and medical comforts have been placed on board according to the following scale :

**SCALE OF MEDICINES AND MEDICAL COMFORTS :**

For every 100 Passengers, and in like proportion for any greater or less Number.

Calomel . . . . .	3 oz.	Senna Leaves . . . . .	8 oz.
Blue Pill . . . . .	2 "	Blistering Plaister . . . . .	8 "
Rhubarb Powder . . . . .	2 "	Sulphur Sublimed . . . . .	16 "
Compound Jalap Powder . . . . .	12 "	Sulphur, Ointment . . . . .	12 "
Ipecacuanha Powder . . . . .	12 "	Linseed Flour . . . . .	4 lbs.
Opium . . . . .	2 "	Country Soap . . . . .	24 oz.
Dover's Powder . . . . .	2 "	Castor Oil . . . . .	6 bottles.
Magnesia . . . . .	2 "	Oil of Peppermint . . . . .	2 oz.
Epsom Salts . . . . .	6 lbs.	Adhesive Plaister, spread . . . . .	2 yards.
Chloride of Lime . . . . .	20 "	Simple Ointment . . . . .	16 oz.
Tartar Emetic . . . . .	4 drama.	Ringworm Ointment . . . . .	16 "
Quinine . . . . .	2 oz.	Jeremie's Opiate . . . . .	2 oz. phial.
Antimonial Power . . . . .	0½ "	Aromatic Spirits of Harta-	
Extract of Colocynth, Com-		horn . . . . .	4 "
pound . . . . .	1 "	Cholera Pills in Phial . . . . .	12 drama.
Carbonate of Ammonia . . . . .	1½ "	Cubebs Powder . . . . .	4 lbs.
Assafoetida . . . . .	1 "	Sweet Spirits of Nitre . . . . .	16 oz.
Camphor . . . . .	1½ "	Copaiba . . . . .	16 "
Camphorated Liniment . . . . .	16 "	Sulphate of Copper . . . . .	2 "
Catechu . . . . .	2 "	Sulphate of Zinc . . . . .	1 "
Prepared Chalk . . . . .	2 "	Lunar Caustic . . . . .	4 drama.
Tincture of Opium . . . . .	8 "	Lime Juice . . . . .	36 quarts.
Turpentine . . . . .	16 "	Rum or Brandy . . . . .	36 "

**INSTRUMENTS, &c.**

1 Set of Amputating and other Sur-	1 Silver Catheter.
gical Instruments (if there be any	1 Spatula.
Person on board competent to use	1 Dressing Scissors.
them).	1 Infusion Box.
1 One Ounce Glass Measure.	1 Quire of Country Paper.
1 Minim Glass Measure.	1 Penknife.
1 Pestle and Mortar (Wedgewood).	2 Metal Bed Pans.
1 Set of Weights and Scales (Grains	2 Trusses for Hernia, Right and Left.
in Box).	2 Small Syringes.
1 Set of Common Splints.	4 Ounces prepared Lint.
1 Set of Bleeding Lancets.	2 Pieces Cloth for Bandages.

5. The Master of any C. P. S. being a B. S. and proceeding on a voyage of more than seven days' duration shall, during the whole of the intended voyage, make issues of provisions, fuel, and water, according to the aforesaid Dietary Scale, and shall not make any alteration, except for the manifest advantage of the passengers, in respect of the space allotted to them as aforesaid, or in respect of the means of ventilation, and shall not ill-use the passengers, or require them (except in case of necessity) to help in working the vessel; and shall issue medicines and medical comforts, as shall be requisite, to the best of his judgment, and shall call at such ports as may be mentioned in the Emigration Officer's clearing certificate for fresh water and other necessaries; and shall carry them

without unnecessary delay to the destination to which they have contracted to proceed.

6. The Emigration Officer shall not give his certificate until he shall have mustered the passengers, and have ascertained to the best of his power that they understand whither they are going, and comprehend the nature of any contracts of service which they have made; he shall also take care that a copy of the form of such contracts, or an abstract of their substance, signed by himself, is appended to the said certificate: if any of the passengers are in bad health, or insufficiently provided with clothing, or if the contracts are unfair, or if there is reason to suspect that fraud or violence has been practised in their collection or embarkation, he may detain the ship, and, if he shall think fit, may order all or any of the passengers to be re-landed.

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SCHEDULE (B.)—*Emigration Officer's Certificate, &c.*

I hereby authorize the C. P. S.  
to proceed to sea for the port of \_\_\_\_\_ in \_\_\_\_\_;  
and I certify that the said ship can legally carry \_\_\_\_\_  
adults, and that there are on board \_\_\_\_\_ passengers,  
making in all \_\_\_\_\_ adults, viz., \_\_\_\_\_ men,  
\_\_\_\_\_ women, \_\_\_\_\_ male children, and  
female children, such children being between the ages of one and  
twelve years; that the space set apart and to be kept clear for the use  
of such emigrants is as follows:—On the upper deck,  
superficial feet, being [*here describe the space*], and in the between  
decks \_\_\_\_\_ superficial feet, being [*here describe the space*]; that  
the ship is properly manned and fitted, and that the means of venti-  
lating the part of the between decks appropriated to passengers are as  
follows [*here describe the means of ventilation*]; that the ship is fur-  
nished with a proper quantity of good provisions, fuel, and water for  
\_\_\_\_\_ days' issues to the passengers according to the \* annexed  
dietary scale, and with a proper quantity of medicines, instruments,  
and medical comforts according to the \* annexed scale of medical  
necessaries; that I have inspected the contracts between the emigrants  
and their intended employers (the terms of which are annexed to this  
certificate), and consider them reasonable; that no fraud appears to  
have been practised in collecting the emigrants; and that there are  
on board a surgeon† [and Interpreter] approved by me, and desig-

\* These scales must be those prescribed by the Regulations in Schedule (A.).

† In case the ship has been authorised to proceed without an interpreter, omit the part between brackets, and add, "and that the ship has been authorised to proceed without an interpreter."



nated [respectively and]  
 [The master of the ship is to put into\*  
 and for water and fresh vegetables.]  
 (Signed)  
 Emigration Officer.  
 Dated this day of 18 .

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**SCHEDULE (C.)—*Form of Bond to be given by the Masters of C. P. Ss.***

Know all men by these presents, That we are held and firmly bound unto our Sovereign Lady Queen Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, defender of the faith, in the sum of one thousand pounds of good and lawful money of Great Britain, to be paid to our said Sovereign Lady the Queen, her heirs and successors; to which payment, well and truly to be made, we bind ourselves and every of us, jointly and severally, for and in the whole, our heirs, executors, administrators, and every of them, firmly by these presents.

Sealed with our Seals.

Dated this day of 18 .

Whereas by the C. P. Act, 1855, it is enacted, that before any C. P. S. shall clear out or proceed to sea on a voyage of more than seven days' computed duration, the master thereof shall, with two sufficient sureties to be approved by an Emigration Officer, enter into a bond to Her Majesty, her heirs and successors, in the sum of one thousand pounds.

Now the condition of this obligation is this, that if (in respect of the ship , whereof is master) all and every of the requirements of the said C. P. Act, and of the regulations contained in Schedule (A.) to the said Act annexed, or enacted by the Legislature of Hong-Kong, shall be well and truly observed and performed [†in like manner as the same ought to be observed and performed in case the said ship were a B. S., and the said a B. subject], then this obligation to be void, otherwise to remain in full force and effect.

Signed, sealed, and delivered by the above-bounden  
 and , in the presence of .

\* The part between brackets is to be inserted or not, as may be required.

† This clause to be inserted only in the case of a foreign C. P. S.

## CHAPTER VI.

## JURISDICTION, PRIVILEGES, AND IMMUNITIES.

**T**HE jurisdiction of a Consul only extends over the subjects of the nation he is nominated by, either resident in, or arriving at, the place in which he has been appointed to reside. In countries where there are Embassies as well as Consulates, the jurisdiction of the latter generally only extends over the seafaring subjects of her nation, at the same time it watches over her commercial interests. That of a Consul-General presides over the Consul, and that of a Consul, in most instances, over the Vice-Consuls. The Consular jurisdiction depends more entirely into what country the Consul may be sent. Thus, foreign Consuls in England have no judicial authority whatever. British Consuls, however, in most countries, have judicial power, and consequently their jurisdiction becomes either retrenched or extended, according to the nature of the stipulations of the ratified treaty. The following are those entered into by Great Britain, relating to the Consular service; none, we regret to say, being so explanatory and efficient as they ought.

1662	} England with Tunis.	1760	} England and Morocco.
1716		1791	
1751		1801	
1762		1675	
1816		„	„ Ottoman Porte.
1824		1810	„ „ Portugal.
1787	England and France.	1825	„ „ Rio de la Plate.
1827	„ „ Brazil.	1843	„ „ Russia.
1665	} „ „ Spain.	1662	} „ „ Tripoli.
1667		1675	
1751		1694	
1806	„ „ United States.	1716	
1826	„ „ Mexico.	1751	

When the Consul is appointed he is always provided with copies of the Conventions with the country he is sent to. In regard to the privileges and immunities a Consul enjoys, there have always existed doubts whether he may be considered exempt from the civil jurisdiction of the state to which he is nominated; and although many others have laid down to the contrary, still it may be maintained and in perfect conformity with the law of nations, that where the regular exequatur has been accorded to the Consul, he ought to be exempt from the civil jurisdiction of the state to which he is accredited. By the exequatur the sovereign acknowledges him as the Consular representative of his

empire, bearing her appointment, and protected by her passport ; and, as regards the nature of his mission, only resident for a short time at the state. Under these circumstances, he ought to be exempt.

Vattel says, l. iv., c. vi., §. 75 : “ Si ce prince envoie un agent avec des lettres de créances et pour affaires publiques, l'agent est dès-lors ministre public, le titre n'y fait rien.”

In many treaties, however, it has been stipulated to the contrary, and they will be found in the Appendix. The former argument will not, however, hold good if the Consul be a merchant belonging to the country ; as it has been the custom to nominate some Consular authorities from among the subjects of the country in which the other Government wishes to have a Consular authority. Nor can it hold valid when a Consul engages in mercantile pursuits, for he then renders himself amenable to the laws of the country he is in, and by his mercantile transactions enrols himself, as it were, among the citizens of the country. Engaging himself in such pursuits, it would be unjust to the mercantile community of the state he was in, if he, a merchant like themselves, enjoyed privileges which they could not, and which might give him power to monopolise many advantages. A Consul being a native of the country he is sent out for, and having his appointment in order, is generally allowed to pass all his luggage without duty into the state he is accredited to. During his residence, if he does not engage in commercial pursuits, he is exempt from all taxes ; but the moment his Consular duties diverge into mercantile transactions he loses this privilege. A Consul in any other country but England has also the privilege of calling in the assistance of a guard in any cases he may require one for the maintenance of discipline, and the arrest of criminals and insubordinate seamen. In the Levant, Turkey, and China, much greater privileges are accorded, which have been treated of in the chapters relating to the same.

In countries out of Europe, or where there is no Embassy, the Consul enjoys the same privileges as an Ambassador, and is *de facto* the Ambassador or representative of his Sovereign, only under another name. He can perform all acts of a Notary Public ; all deeds executed by him being held to be valid, and acknowledged in our Courts of Law. He can attend all levees of the Sovereign after receiving his exequatur, and either after having been presented to the Sovereign by the Ambassador, or in his absence by the Minister for Foreign Affairs. The Consulate is generally considered as the territory of the Power by which it is tenanted, and all deeds, acts, and any other documents executed under the seal of the Consul are valid in the country from which he has been sent. At the same time it must be perfectly understood that all acts thus issued by the Consul are, with a few excep-

tions, not valid in the country in which he resides, except there be a special Convention to that effect. All documents, required to be valid before the tribunals of the country he is in, ought to be made out by the proper lawyers appointed for that purpose; for it cannot be expected that where a Consul is only authorised as judicial authority for his own country, that his acts should be acknowledged and received as legal instruments in the tribunals of the country he is accredited to, although his acts should be respected; as it might be possible that they could be grounded upon quite a different *lex mercatoria*, and could not therefore be taken in evidence against documents perhaps quite opposite in a legal point of view, and it would be unjust to allow them to be received.

In respect to the special privileges a Consul enjoys in certain countries by Treaty, we have annexed an annotation of them in the list of Treaties at the close of the work. We will conclude this chapter with an earnest wish that the British Government will, by Treaty, endeavour to give their Consuls the same authority as the French have appointed by their recent Convention with America.

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## CHAPTER VII.

### SALARIES, FEES, AND RANK OF CONSULS.

**I**N the year 1825 the British Government, after repeated representations had been urged relating to the inadequate and bad arrangements previously made for the payment of British Consuls, and after committees had been appointed, deemed it expedient to bring in an Act to regulate the payment of salaries and allowances to British Consuls in foreign parts, and the disbursements at such ports for certain public allowances (6 Geo. IV., cap. 87), by which his Majesty was authorised, by Order in Council, to regulate and appoint fixed salaries to British Consuls-General and Consuls, the stipends of whom had been formerly paid out of the third class of his Majesty's Civil List. The preamble of this Act goes on to state that such salaries shall be paid without fine or deduction, and paid to them during their residence at the place they are appointed, or on leave of absence may receive part or whole at the King's pleasure. That in consequence of such salaries, Consuls shall not receive or take any fee from merchant seamen or vessels, except in the Schedule annexed, and in default shall forfeit one year's salary, or less, at His Majesty's pleasure, and for the second offence shall forfeit their appointment.

Sections VI. and VII. state, that a Schedule of such fees shall be exhibited in a conspicuous place in the Custom House and Consular Office, and the penalty for refusal to any one to inspect the same shall be half the salary.

Section VIII. relates to Superannuation allowances and rewards.

Section X. Encouragement for the payment and support of Chapels and Churches.

Sections XI., XII., XIII., XIV., and XV. Voluntary subscriptions for ditto.

Section XVI. repeals 8 Geo. I., c. 17; 9 Geo. II., c. 25; 19 Geo. II., cap. 14; and the 54 Geo. III., c. 126.

Sections XVII. and XVIII. relate to credit, etc., of Consuls.

Section XIX. Production of accounts before Parliament.

Section XX. Orders may be administered by Consuls.

Section XXI. Recovery of penalties.

Section XXII. Commencement of the Act, 1st January, 1826.

Perhaps there was no Act passed relating to the Consular service so beneficial as one for the regulation of their salaries. Formerly, when Consuls were compelled to charge fees for any small requirement of a merchant vessel, they did not merely stop at levying those laid down in the Tariff, but for particular and even ordinary services did not scruple to mulct the merchant in any fee. This was neither a satisfactory proceeding for the Consul nor the shipowner, and it is only to be wondered that this state of things lasted until so recently as 1826, and *then* that the Act was only passed by severe pressure from without. Until then the Parliament had not made any inquiry into the Consular salaries worth noticing, and it cannot reflect much credit on the *British Assembly* that for so long a period no notice was taken of the subject. In the Appendix is annexed the most recent statement of the salaries of our Consular representatives abroad. It will be necessary here again to advert to a privilege prohibited in 1826, but allowed again in 1832, namely, that of trading or engaging in mercantile pursuits. The question can only be responded to in this way, that where the salaries of Consuls are not enough for them to support their dignity without engaging in such pursuits, they must be allowed to do so; at the same time there cannot be any doubt but that a Consular representative loses more than half of his authority by doing so, and cannot but be looked on with suspicion should he be called upon to arbitrate in any mercantile question; for it cannot but be surmised that any person, however impartial, engaging in the speculation of mercantile affairs, could be quite free from being drawn into some bias by his commercial engagements. These are not the only circumstances which ought to preclude a Consular representative from

engaging in these pursuits ; for, as stated in a former chapter, by doing so, he verges from the superior into the inferior, and becomes as the trader, amenable to the laws of the country he is in, thereby losing his standing, when he appears as such in judicial courts, and comes within the civil jurisdiction of the state, which, by his not mixing himself in trade, he might have been excluded from.

In different countries these considerations have, or may not have, so much weight ; but in all, even in the most uncivilized, there cannot exist a doubt but that the act of a Consular representative trading depreciates him in the eyes of the authorities and subjects of the state he resides in.

As regards rank, the Consul-General is equal to a Post-Captain in the Navy, and a Major in the Army. The salute, when he visits a man-of-war, is nine guns. A Consul ranks with a Commander, and a Captain in the Army ; salute, seven guns. We must treat here of the right of precedence between Consuls and Naval officers, concerning which many foolish and injurious disputes have arisen. On the arrival of Her Britannic Majesty's vessels at foreign ports, in regard to the payment of the first visit, it is necessary to state that whenever the Captain of one of Her Britannic Majesty's ships of war, being a Post-Captain, or Commodore, wearing a blue pendant, shall signify to the Consul, in writing, his arrival at the port at which the Consul resides, the latter will take the earliest opportunity of waiting in person on the said Captain, and affording him such assistance as he may require. Commanders of Her Majesty's Navy will on their arrival wait upon Her Britannic Majesty's Consuls, but they will be waited upon by Vice-Consuls. Consuls-General and Consuls will, in all cases, wait upon Flag Officers and Commanders wearing a red or white pendant, without any previous communication. The officers commanding Her Majesty's ships of war have orders to furnish a boat to convey the Consul on board and to re-land him, on the Consul notifying his wish to have a boat so sent to him.—XXIV. *Consular Instructions*, 1845.

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6 GEO. IV., CAP. 87.

*An Act to regulate the payment of Salaries and Allowances to British Consuls in Foreign Ports, and the Disbursements at such Ports for certain Public Purposes.*

WHEREAS the provision which hath been hitherto made for Preamble.  
the maintenance and support of the Consuls-General and Consuls appointed by His Majesty to reside within the dominions of sovereigns and foreign states in amity with His Majesty, out of the money applicable under the third class of His Majesty's Civil List, as specified in the schedule annexed to an Act made in the first year of His Majesty's reign, intituled "An Act for the Support of His Majesty's 1 G. 4. c. 1.  
Household, and for the Honour and Dignity of the Crown of the United Kingdom of Great Britain and Ireland," is inadequate to the maintenance and support of such Consuls-General and Consuls; and it is expedient to make further and due provision for that purpose; be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That it shall and may be lawful for His Majesty  
His Majesty, by any Order or Orders to be issued by and with <sup>may grant</sup> the advice of His Privy Council, to grant to all or any of the <sup>salaries to</sup> Consuls-General or Consuls appointed by His Majesty to reside within any of the dominions of any sovereign or foreign state or power in amity with His Majesty, such reasonable salaries as to His Majesty shall seem meet, and by and with such advice as aforesaid, from time to time to alter, increase, or diminish any such salaries or salary as occasion may require.

2. And be it further enacted, That such salaries shall be <sup>Terms on</sup> issued and paid to such Consuls-General and Consuls with- <sup>which sala-</sup> out fee or deduction: provided always that all such salaries <sup>ries shall be</sup> as aforesaid be granted for and during His Majesty's plea- <sup>granted.</sup> sure, and not otherwise, and be held and enjoyed by such Consuls-General and Consuls as aforesaid, so long only as they shall be actually resident at the places at which they may be so appointed to reside, and discharging the duties of such their offices: provided nevertheless, that in case His <sup>Leave of ab-</sup> Majesty shall, by any Order to be for that purpose issued <sup>sence.</sup> through one of His Principal Secretaries of State, grant to

any such Consul-General or Consul, as aforesaid, leave of absence from the place to which he may be so appointed as aforesaid, such Consul-General or Consul shall be entitled to receive the whole, or such part as to His Majesty shall seem meet, of the salary accruing due and payable during and in respect of such period of absence as aforesaid.

Salaries so granted to be in lieu of salaries and fees formerly paid.

3. And be it further enacted, That the salaries so to be granted by His Majesty as aforesaid, shall be taken and received by the said Consuls-General and Consuls in lieu of, and as a compensation for, all salaries heretofore granted to them, or any of them, and all fees of office and gratuities heretofore demanded, received, or taken by them of or from the masters or commanders of British ships and vessels, or of or from any other persons or person, for or in respect of any duties or services by such Consuls-General or Consuls done, performed, or rendered, for or to any such masters or commanders, or other person or persons as aforesaid; and that no such Consuls-General or Consuls as aforesaid shall, from and after the first day of January, one thousand eight hundred and twenty-six, be entitled for or by reason or on account of any act, matter, or thing by him done or performed in the execution of such his office, or for or on account of any service by him rendered to any masters or commanders of British ships or vessels, or to any other person or persons, in the execution of such his office, to ask, demand, have, receive, or take any fees, recompense, gratuity, compensation, or reward, or any sum or sums of money, save as hereinafter is excepted.

From Jan. 1, 1826, Consuls not to take, on account of their services, any other than the fees hereinafter mentioned.

Certain fees allowed to be taken, as mentioned in the Tables A. and B. annexed.]

4. Provided always, and be it further enacted, That it shall and may be lawful for all Consuls-General and Consuls appointed by His Majesty, and resident within the dominions of any sovereign, or any foreign state or power in amity with His Majesty, to accept, take, and receive the several fees particularly mentioned in the tables to this present Act annexed,\* marked with the letters (A.) and (B.), for and in respect or on account of the several matters and things, and official acts and deeds particularly mentioned in the said Schedules; and that it shall and may be lawful for His Majesty, by any Order or Orders to be by Him made, by and with the advice of His Privy Council, from time to time, as occasion may require, to increase or diminish, or wholly

\* Altered recently by Order in Council of the 1st of May, 1855. Vide page 117.



to abolish, all or any of the fees aforesaid, and to establish and authorise the payment of any greater or smaller or new or additional fees or fee, for or in respect of the several matters and things mentioned in the said Schedules, or any of them, or for or in respect of any other matters or things or matter or thing to be by any such Consul-General or Consul done or performed in the execution of such his office.

5. And be it further enacted, That in case any Consul-General or Consul, appointed by His Majesty, as aforesaid, shall, by himself or deputy, or by any person authorised thereto in his behalf, ask, demand, receive, take, or accept, for or by reason or on account of any matter or thing by him done or performed in the execution of such his office, or for or on account or under pretence or by reason of any service or duty by him rendered, done, or performed in such his office for any person or persons whomsoever, any other or greater fee, reward, gratuity, gift, or remuneration, than is mentioned and specified in the said Schedule, or than shall be sanctioned and specified in or by any such Order or Orders in Council as aforesaid, the person or persons so offending shall forfeit and become liable to pay to His Majesty, his heirs, and successors, any sum of sterling British money, not exceeding the amount of the salary of such person for one year, nor less than the twelfth part of such annual salary, at the discretion of the Court in which such penalty may be recovered, and shall moreover, upon a second conviction for any such offence, forfeit such his office, and for ever after become incapable of serving His Majesty in the same or the like capacity.

Penalty on  
Consuls de-  
manding  
more fees  
than speci-  
fied in the  
Schedule, or  
specified in  
any Order in  
Council.

6. And be it further enacted, That a printed copy of the tables of fees allowed by this Act, or which may or shall be sanctioned or allowed by any Order to be made in pursuance of this Act, by His Majesty in Council, shall be exhibited in a conspicuous manner, for the inspection of all persons, in the Custom house in the port of London, and in all other Custom houses in the several ports and harbours of the United Kingdom of Great Britain and Ireland; and that printed copies thereof shall, by the Collector or other chief officer of Customs in all such ports and harbours as aforesaid, be delivered gratuitously, and without fee or reward, to every master or commander of any ship and vessel clearing out of any such port or harbour, and demanding a copy thereof.

Tables of  
Fees to be  
exhibited  
at custom  
houses.

7. And be it further enacted, That a copy of the said

Also at Con-  
sul's office.

Schedule or table of fees to this present Act annexed, or which may be established and authorised by any such Order or Orders in Council as aforesaid, shall be hung up and exhibited in a conspicuous place in the public offices of all Consuls-General or Consuls appointed by His Majesty, in the foreign ports or places to which they may be so appointed, for the inspection of all persons interested therein; and any Consul-General or Consul omitting or neglecting to exhibit any such copy of the said Schedules in such his public office, or refusing to permit the same to be inspected by any person or persons interested therein, shall for every such offence forfeit and pay a sum of British sterling money not exceeding one half the amount of the salary of such person for one year, nor less than the twelfth part of such annual salary, at the discretion of the Court in which such penalty may be recovered.

Allowances  
in the nature  
of superan-  
nuation.

8. And whereas it is expedient that His Majesty should be enabled to grant to the said Consuls-General and Consuls, appointed as aforesaid, allowances in the nature of superannuation or reward for meritorious public services, Be it further enacted, That all the clauses, provisions, rules, regulations, restrictions, conditions, and forfeitures contained and declared in an Act passed in the fiftieth year of the reign of His late Majesty King George the Third, intituled
- 50 G. 3, c. 117. "An Act to direct that accounts of increase and diminution of public salaries, pensions, and allowances should be annually laid before Parliament, and to regulate and controul the granting and paying of such salaries, pensions, and allowances;" and in another Act passed in the third year of the
- 3 G. 4. c. 118. reign of His present Majesty, intituled "An Act to amend an Act passed in the fiftieth year of His late Majesty, for directing that accounts of increase and diminution of public salaries, pensions, and allowances shall be annually laid before Parliament, and for regulating and controlling the granting and paying of such salaries, pensions, and allowances;" and in another Act passed in the fifth year of the
- 5 G. 4. c. 104. reign of His present Majesty, intituled "An Act to amend an Act of the third year of His present Majesty, respecting superannuation allowances," shall be, and the same are hereby, extended to the said Consuls-General and Consuls, so far as such clauses, provisoes, rules, regulations, restrictions, conditions, penalties, and forfeitures, can be applied to the cases of such several persons respectively, as fully and

effectually, to all intents and purposes, as if the same were repeated and re-enacted in this present Act.

9. Provided always, and be it further enacted, That if it shall at any time happen, that by reason of any war which may hereafter arise between His Majesty and any sovereign, or foreign state or power, within the dominions of whom any such Consul-General or Consul as aforesaid shall be appointed to reside, he shall be prevented from residing, and shall in fact cease to reside, at the place to which he may be so appointed; it shall and may be lawful for His Majesty, by any Order to be issued by and with the advice of His Privy Council, to grant to any such Consul-General or Consul, who may have served His Majesty in that capacity for any period not less than three years, nor more than ten years next preceding the commencement of any such war as aforesaid, a special allowance not exceeding the proportion of their respective salaries, to which such Consuls-General and Consuls would be entitled under the provisions of the said recited Act of the third year of His present Majesty's reign, in case the period of their respective service had exceeded ten years, and had not exceeded fifteen years: Provided always, that in case any such Consul-General or Consul shall have served in such his office for the space of ten years and more, it shall and may be lawful for His Majesty, by any such Order in Council as aforesaid, to grant to him or them such a proportion of his or their respective salaries which by the said recited Act is authorised to be granted as a superannuation allowance, according to the several periods of service exceeding ten years, in the said Act of the third year of his present Majesty's reign.

10. And whereas churches and chapels for the performance of divine service, according to the rites and ceremonies of the united church of England and Ireland, or of the church of Scotland, have been erected, and proper grounds have been appropriated and set apart for the interment of the dead, in divers foreign ports and places, and chaplains have been appointed for the performance of divine service in the said churches and chapels, and are now resident in such foreign ports and places; and it is expedient to afford encouragement for the support of the churches and chapels so erected as aforesaid, and to promote the erection of other churches and chapels in foreign ports and places to which His Majesty's subjects may resort, and wherein they may be

Allowances during war to be such as His Majesty in Council shall direct.

Provision for support of churches and chapels, etc., in foreign ports and places where a chaplain is appointed and maintained by subscription. Consuls authorised to advance for such purpose a sum equal to the amount subscribed

resident in considerable numbers, for the purposes of trade or otherwise; Be it therefore enacted, That at any foreign port or place in which a chaplain is now, or shall at any future time be, resident and regularly employed in the celebration of divine service, according to the rites and ceremonies of the united church of England and Ireland, or of the church of Scotland, and maintained by any voluntary subscription or rate, levied among or upon His Majesty's subjects resorting to, or residing at such foreign port or place, or by any rate or duty levied under the authority of any of the Acts hereinafter repealed, it shall and may be lawful for any Consul-General or Consul, in obedience to any order for that purpose issued by His Majesty through one of His principal Secretaries of State, to advance and pay from time to time, for and towards the maintenance and support of any such chaplain as aforesaid, or for and towards defraying the expences incident to the due celebration of divine service in any such churches and chapels, or for and towards the maintaining of any such burial grounds as aforesaid, or for and towards the interment of any of His Majesty's subjects in any such burial grounds, any sum or sums of money, not exceeding in any one year the amount of the sum or sums of money, which during that year may have been raised at such port or place for the said several purposes, or any of them, by any such voluntary subscription or rate as aforesaid; and every such Consul-General or Consul shall, once in each year, transmit to one of His Majesty's principal Secretaries of State an account made up to the thirty-first day of December, in the year next preceding, of all the sums of money actually raised at any such port or place as aforesaid, for the several purposes aforesaid, or any of them, by any such voluntary subscription or rate as aforesaid, and of all sums of money by him actually paid and expended for such purposes, or any of them, in obedience to any such Orders as aforesaid, and which accounts shall by such principal Secretary of State be transmitted to the Lord High Treasurer, or the Commissioners of His Majesty's treasury of the United Kingdom of Great Britain and Ireland for the time being, who shall give to any such Consul-General or Consul as aforesaid credit for all sums of money not exceeding the amount aforesaid, by them disbursed and expended in pursuance of any such Order as aforesaid, for the purposes before mentioned, or any of them.

11. And be it further enacted, That in case any of His Majesty's subjects shall by voluntary subscriptions among themselves raise and contribute such a sum of money as shall be requisite for defraying one-half part of the expense of erecting, purchasing, or hiring any church or chapel or building, to be appropriated for the celebration of divine service, according to the rites and ceremonies of the united church of England and Ireland, or of the church of Scotland, or for defraying one-half part of the expense of erecting, purchasing, or hiring any building to be used as a hospital for the reception of His Majesty's subjects, or for defraying one-half of the expense of purchasing or hiring any ground to be used as a place of interment for His Majesty's subjects at any foreign port or place wherein any Consul-General or Consul appointed by His Majesty shall be resident, then and in any such case it shall and may be lawful for such Consul-General or Consul, in obedience to any Order to be for that purpose issued by His Majesty through one of His principal Secretaries of State, to advance and pay, for and towards the purposes aforesaid, or any of them, any sum or sums of money, not exceeding in the whole in any one year the amount of the money raised in that year by any such voluntary contribution as aforesaid; and every such Consul-General or Consul as aforesaid shall, in like manner, once in every year transmit to one of His Majesty's principal Secretaries of State an account, made up to the thirty-first day of December, in the year next preceding, of all the sums of money actually raised at any such port or place as aforesaid, for the several purposes aforesaid, or any of them, by any such voluntary subscription as aforesaid, and of all sums of money by him actually paid and expended for such purposes, or any of them, in obedience to any such Orders as aforesaid, and which accounts shall by such principal Secretary of State be transmitted to the Lord High Treasurer, or to the Lords Commissioners of His Majesty's treasury, for the time being, who shall give to such Consuls-General or Consuls credit for all sums of money, not exceeding the amount aforesaid, by him disbursed and expended in pursuance of any such Order as aforesaid for the purposes before mentioned, or any of them.

Where voluntary contributions towards erecting churches or hospitals, or providing burial grounds, in any place where Consuls are resident, such Consuls are authorised to advance a sum equal to the amount of such contributions.

12. Provided always, and be it further enacted, That no such Order shall be issued as aforesaid through any of His Majesty's principal Secretaries of State, authorising the ex-

His Majesty's approbation to be first obtained.

penditure of money for the erection, purchase, or hiring of any such new church, or chapel, or hospital as aforesaid, or for the purchase or hiring of any such new burial ground as aforesaid, unless and until such Consul-General or Consul shall first have transmitted to His Majesty, through one of His Majesty's Principal Secretaries of State, the plan of such intended church or chapel, hospital or burial ground, with an estimate, upon the oath of some one or more competent person or persons, stating the probable expense of and incident to the erection, purchase, or hiring of any such church, chapel, hospital, or burying ground as aforesaid, and unless and until His Majesty shall have signified, through one of His said principal Secretaries of State, His approbation of the said plan and estimate: Provided also, that no money shall actually be disbursed by any such Consul-General or Consul as aforesaid, for any of the purposes aforesaid, unless and until the money to be raised by any such voluntary subscription as aforesaid be actually paid up and invested in some public or other sufficient security, in the joint names of such Consul-General or Consuls and two trustees appointed for that purpose by the persons subscribing the same, or unless and until two or more such subscribers shall enter into good and sufficient security to His Majesty, by bond or otherwise, that the amount of such subscriptions shall actually be paid for the purposes aforesaid, by a certain day to be specified in every such bond or security, and which bond or security shall be preserved in the office of such Consul-General or Consul, and shall by him be cancelled and delivered back to the parties entering into the same, their heirs, executors, or administrators, when and so soon as the conditions thereof shall be fully performed and satisfied.

Salaries to  
chaplains  
not to exceed  
the sums  
herein men-  
tioned.

13. Provided also and be it further enacted, That the whole salary of any Chaplain heretofore appointed or to be appointed to officiate in any such church or chapel in any foreign port or place in Europe, shall not exceed in the whole five hundred pounds by the year, or in any foreign port or place not in Europe, eight hundred pounds by the year: Provided also, that all such Chaplains shall be appointed to officiate as aforesaid by His Majesty, through one of His principal Secretaries of State, and shall hold such their offices for and during His Majesty's pleasure, and no longer.

14. And be it further enacted, That all Consuls-General and Consuls appointed by His Majesty to reside and being resident at any foreign port or place wherein any such church or chapel, or other place appropriated for the celebration of divine worship, or hospital, or any such burial ground as aforesaid, hath heretofore been or shall hereafter be erected, purchased, or hired, by the aid of any voluntary subscription or rates collected by or imposed upon His Majesty's subjects, or some person or persons for that purpose duly authorised by any writing under the hand and seal of any such Consul-General or Consul, shall, once at the least in every year, and more frequently if occasion shall require, by public advertisement, or in such other manner as may be best adapted for insuring publicity, convene and summon a meeting of all His Majesty's subjects residing at such foreign port or place as aforesaid, to be holden at the public office of such Consul-General or Consul, at some time, not more than fourteen days nor less than seven days next after the publication of any such summons; and it shall and may be lawful for all His Majesty's subjects residing or being at any such foreign port or place as aforesaid, at the time of any such meeting, and who shall have subscribed any sum or sums of money not less than twenty pounds in the whole nor less than three pounds by the year, for or towards the purposes before-mentioned, or any of them, and have paid up the amount of such their subscriptions, to be present and vote at any such meetings; and such Consuls-General or Consuls shall preside at all such meetings; and in the event of the absence of any such Consuls-General or Consuls, the subscribers present at any such meeting shall, before proceeding to the despatch of business, nominate one of their number to preside at such meeting; and all questions proposed by the Consul-General, Consul, or person so nominated as aforesaid to preside in his absence, at any such meeting, shall be decided by the votes of the majority in number of the persons attending and being present thereat; and in the event of the number of such votes being equally divided, the Consul-General, Consul, or person so presiding in his absence shall give a casting vote.

15. And be it further enacted, That it shall and may be lawful for any such general meeting as aforesaid to make and establish, and from time to time, as occasion may require, to revoke, alter, and render such general rules, orders, and

Meetings of  
subscribers  
to churches,  
chapels, etc.

General  
meetings  
may estab-  
lish rules  
for the ma-  
nagement of



such churches, etc., subject to the sanction of the Consul, who shall transmit the same for His Majesty's approbation.

regulations, as may appear to them to be necessary for the due and proper use and management of such churches, chapels, hospitals, and burial grounds as aforesaid, or for the proper control over and expenditure of the money raised by any such subscription as aforesaid, or otherwise in relation to the matters aforesaid, as may be necessary for carrying into execution the objects of this Act, so far as relates to those matters, or any of them : Provided always, that no such rule, order, or regulation as aforesaid shall be of any force or effect, unless or until the same shall be sanctioned and approved by the Consul-General or Consul for the time being, appointed by His Majesty to reside and actually resident at such foreign port or place ; and provided also, that the same shall, by such Consul-General or Consul, be transmitted by the first convenient opportunity for His Majesty's approbation ; and that it shall and may be lawful for His Majesty, by any Order to be by Him issued through one of His principal Secretaries of State, either to confirm or disallow any such rules, orders, and regulations, either in the whole or in part, and to make such amendments and alterations in or additions to the same, or any of them, as to His Majesty shall seem meet, or to suspend for any period of time the execution thereof, or any of them, or otherwise to direct or prevent the execution thereof, or any of them, in such manner as to His Majesty shall seem meet ; and all Orders so to be issued by His Majesty, in relation to the matters aforesaid, through one of His principal Secretaries of State, shall be recorded in the office of the said Consul-General or Consul, at the foreign port or place to which the same may refer, and shall be of full force, effect, and authority, upon and over all His Majesty's subjects there resident.

Repeal of certain Acts, viz. :

16. And whereas it is expedient that the several Acts of Parliament hereinafter mentioned should be repealed ; Be it therefore enacted, That a certain Act of Parliament made and passed in the eighth year of the reign of King George I., intituled " An Act for more equal paying and better collecting certain small sums therein mentioned for Relief of shipwrecked Mariners and distressed Persons (His Majesty's subjects) in the Kingdom of Portugal, and for other pious and charitable Purposes usually contributed to by the Merchants trading to Portugal : " and a certain other Act, made and passed in the ninth year of the reign of King George II., intituled " An Act for the more equal paying and better

8 G. 1, c. 17.

9 G. 2, c. 25.



collecting certain small sums for relief of shipwrecked Mariners and distressed Persons (His Majesty's subjects) in the Port of Cadiz and Port of St. Mary's, in the Kingdom of Spain, and for other Uses usually contributed to by the Merchants trading to the said Ports : " and a certain other Act made and passed in the tenth year of the reign of the said King George II., intituled " An Act for collecting at the Port of Leghorn certain small Sums of Money to which the Merchants trading there have usually contributed, for the Relief of shipwrecked Mariners, Captives, and other distressed Persons (His Majesty's subjects), and for other charitable and public uses : " and a certain other Act made and passed in the fifty-fourth year of His late Majesty King George III., for altering and extending the said recited Act of the eighth year of the reign of King George I., shall be and the same are hereby repealed.

17. And be it further enacted, That all and every sum and sums of money which shall be and remain in the hands of any Collector or Treasurer, or other person, arising from any duties leviable under the several Acts hereby repealed, or any of them, and which shall not have been applied to the purposes or in manner directed by the said Acts respectively, shall by such Collector, Treasurer, or other person, be paid over to the Consul-General, or Consul at the port or place where the same shall have been received; and all and every such sums and sum which shall be so paid and received by any such Consul-General or Consul, and all other arrears of money arising from any such duties which shall be in the hands of any such Consul-General or Consul, shall be paid, applied, and disposed of in such manner, and to and for such public purposes as shall be directed by any one of His Majesty's principal Secretaries of State.

18. And be it further enacted, That all Consuls-General and Consuls shall be allowed and have credit in any accounts by them rendered, through one of His Majesty's principal Secretaries of State, to the Lord High Treasurer, or the Commissioners of His Majesty's Treasury of the United Kingdom of Great Britain and Ireland, for the time being, for all such sums of money as shall by any such Consul-General or Consul be disbursed and expended towards the succour and relief of Mariners shipwrecked and taken in war, or other distressed persons being subjects of His Majesty, and resorting to the port or place at which any such Consul-General or Consul

Application  
of duties  
raised under  
the recited  
Acts repeal-  
ed.

Consuls to  
have credit  
for money  
disbursed for  
shipwrecked  
and distress-  
ed persons.

may be appointed to reside: Provided always, that such sums of money be so disbursed and expended in pursuance of and in conformity to any special or general rules and regulations to be for that purpose made and prescribed by His Majesty, by any Order or Orders to be by him for that purpose issued, by and with the advice of His Privy Council, and that an account of the particulars of all such expenditure shall by the first convenient opportunity be transmitted by the Consul-General or Consul for His Majesty's information, through one of His principal Secretaries of State.

Accounts  
and esti-  
mates to be  
laid before  
Parliament.

19. And be it further enacted, That within six weeks next after the commencement of each session of Parliament there shall be laid before both houses of Parliament copies of all Orders which may have been made, since the commencement of the last preceding session of Parliament, by His Majesty, with the advice of His Privy Council, in pursuance of this Act, together with an account of all salaries which, since the commencement of such next preceding session of Parliament, may have been granted by His Majesty to any Consuls-General or Consuls by virtue or in pursuance of this Act, together with an estimate specifying the total amount of the money to be required for the payment of the salaries of all such Consuls-General or Consuls respectively, for one year from the fifth day of January preceding the date of such estimate, and also for all contingent charges and expenses connected with the public duties and establishments of such Consuls-General or Consuls, after deducting the amount provided on account of the payment of such Consuls-General or Consuls out of the money applicable under the third class of His Majesty's Civil List, as specified in the Schedule annexed to an Act made in the first year of His Majesty's reign, intituled "An Act for the support of His Majesty's Household, and for the honour and dignity of the Crown of the United Kingdom of Great Britain and Ireland."

1 G. 4, c. 1.

Oaths may  
be admini-  
stered by  
Consuls.

20. And whereas it is expedient that every Consul-General or Consul appointed by His Majesty at any foreign port or place should in all cases have the power of administering an oath or affirmation whenever the same shall be required, and should also have power to do all such notarial acts as any Notary Public may do; Be it therefore enacted, That from and after the passing of this Act it shall and may be lawful for any and every Consul-General or Consul appointed by His Majesty at any foreign port or place, whenever he shall

be thereto required, and whenever he shall see necessary, to administer at such foreign port or place any oath, or take any affidavit or affirmation from any person or persons whomsoever; and also to do and perform at such foreign port or place, all and every notarial acts and act which any Notary Public could or might be required and is by law empowered to do within the United Kingdom of Great Britain and Ireland: and every such oath, affidavit, or affirmation, and every such notarial act, administered, sworn, affirmed, had, or done by or before such Consul-General or Consul, shall be as good, valid, and effectual, and shall be of like force and effect, to all intents and purposes, as if any such oath, affidavit, or affirmation, or notarial act respectively, had been administered, sworn, affirmed, had, or done, before any Justice of the Peace or Notary Public in any part of the United Kingdom of Great Britain or Ireland, or before any other legal or competent authority of the like nature.

21. And be it further enacted, That all penalties incurred under or imposed by this Act shall and may be sued for, <sup>Recovery of penalties.</sup> prosecuted, and recovered by any person or persons who may sue for the same by action of debt, bill, plaint, or information in any of His Majesty's Courts of Record at Westminster, in the name of His Majesty's Attorney-General, wherein no essoign, protection, privilege, wager of law, or more than one imparlance shall be allowed.

22. And be it further enacted, That this Act, and the <sup>Commence-</sup> several clauses, matters, and things herein contained, shall <sup>ment of Act.</sup> take effect from the first day of January, One thousand eight hundred and twenty-six, except where any other commencement is particularly directed.

AN ESTIMATE of the Sum which will be required to provide for the Expense of the CONSULAR ESTABLISHMENTS Abroad, for the Year 1855, ending 31st March, 1856.

One Hundred and Fifty-seven Thousand Six Hundred and Sixty-nine Pounds.

	1854.	1855.
For Annual Salaries to Consuls-General, Consuls, and Vice-Consuls, as detailed in Paper (A.) . . . . .	£ 103,615	£ 99,910
For Contingent Expenses, Moiety of Expense for Chaplains, Chapels, Hospitals, and Burial-grounds; for Interpreters and Guards in the Levant, and on the Coast of Barbary; for Expenses of Consular Jurisdiction in the Levant; and for Relief to distressed British Subjects Abroad (B.) . . . . .	22,100	25,154
Charges usually provided for in this Estimate . . . . .	125,715	125,064
For Salaries and Expenses of the Consular Establishments at the Ports open to British Trade in China, as detailed in Paper (C.) . . . . .	31,150	32,605
Foreign Office, } March, 1855. }	£ 156,865	157,669

(A.)

DETAIL of SALARIES of CONSULS-GENERAL, CONSULS, and VICE-CONSULS, for the Year 1855—56, ending the 31st of March, 1856.

COUNTRY.	RESIDENCE.	RANK.	1854.	1855.
			SALARY.	SALARY.
Russia . . . . .	St. Petersburg . . . . .	Consul . . . . .	£ 750	£ 190
	Archangel . . . . .	Ditto . . . . .	300	80
	Riga . . . . .	Ditto . . . . .	500	130
	Wiborg . . . . .	Ditto . . . . .	150	80
	Warsaw . . . . .	Consul-General . . . . .	1,000	—
	Odessa . . . . .	Ditto . . . . .	750	—
	Ditto . . . . .	Vice-Consul . . . . .	80	20
	Ismail . . . . .	Ditto . . . . .	200	50
	Taganrog . . . . .	Consul . . . . .	200	50
	Kertch . . . . .	Vice-Consul . . . . .	200	50
	Carried forward . . . . .	£	4,130	650

COUNTRY.	RESIDENCE.	RANK.	1854.	1855.
			SALARY.	SALARY.
			£	£
	Brought forward		4,130	650
Sweden	Stockholm	Consul	500	500
	Gottenburgh	Ditto	400	400
Norway	Christiana	Consul-General	600	600
Denmark	Elsinore	Consul	700	700
	Ditto	Vice-Consul	100	100
	Copenhagen	Ditto	150	150
	St. Thomas	Consul	200	250
Prussia	Danzig	Consul-General	700	700
	Memel	Vice-Consul	200	200
	Pillau	Ditto	50	100
	Stettin	Ditto	50	100
	Konigsberg	Ditto	60	60
	Cologne	Consul	100	100
Hanse Towns	Hamburgh	Consul-General	1,500	1,500
	Ditto	Vice-Consul	300	300
	Bremen	Ditto	150	150
	Lubeck	Ditto	150	150
	Cuxhaven	Ditto	100	100
	Kiel	Ditto		75
Saxony	Leipzig	Consul-General	750	750
Frankfort	Frankfort	Consul	350	350
Netherlands	Amsterdam	Consul	300	300
	Rotterdam	Ditto	500	500
	Flushing	Vice-Consul	—	150
	Middleburg	Ditto	100	—
	Batavia	Consular Agent	200	200
	Surabaya	Ditto	200	200
	Samarang	Ditto	200	200
Belgium	Antwerp	Consul	500	500
	Ostend	Ditto	300	300
France	Paris	Ditto	100	100
	Dunkirk	Ditto	400	500
	Calais	Ditto	400	400
	Boulogne	Ditto	400	400
	Havre	Ditto	650	650
	Casn	Vice-Consul	50	100
	Cherbourg	Consul	500	500
	Granville	Vice-Consul	100	100
	Brest	Consul	500	500
	Carried forward		£ 16,640	13,585

COUNTRY.	RESIDENCE.	RANK.	1854.	1855.
			SALARY.	SALARY.
			£	£
	Brought forward . . .		16,640	13,585
France . . .	Nantes . . .	Consul . . .	300	300
	Charente . . .	Ditto . . .	300	300
	Bordeaux . . .	Ditto . . .	450	450
	Bayonne . . .	Ditto . . .	300	400
	Marseilles . . .	Ditto . . .	550	550
	Toulon . . .	Vice-Consul . . .	50	50
	Corsica . . .	Consul . . .	200	200
	Martinique . . .	Ditto . . .	100	100
Algiers . . .	Algiers . . .	Ditto . . .	800	800
	Oran . . .	Vice-Consul . . .	400	400
	Bona . . .	Ditto . . .	100	100
	Philippeville . . .	Ditto . . .	100	100
Spain . . .	Madrid . . .	Consul . . .	200	200
	Bilboa . . .	Ditto . . .	350	350
	San Sebastian . . .	Vice-Consul . . .	100	100
	Vigo . . .	Consul . . .	400	400
	Cadiz . . .	Ditto . . .	500	500
	San Lucar . . .	Vice-Consul . . .	150	150
	Malaga . . .	Consul . . .	300	300
	Carthagena . . .	Ditto . . .	400	400
	Alicante . . .	Ditto . . .	300	400
	Barcelona . . .	Ditto . . .	400	400
	Mahon . . .	Vice-Consul . . .	300	300
	Teneriffe . . .	Consul . . .	500	500
	Havanna . . .	Consul-General . . .	1,000	1,000
	Trinidad . . .	Vice-Consul . . .	—	300
	St. Jago de Cuba . . .	Consul . . .	300	300
	Porto Rico . . .	Ditto . . .	800	800
	Manilla . . .	Ditto . . .	1,000	1,000
Portugal . . .	Lisbon . . .	Ditto . . .	600	600
	Ditto . . .	Vice-Consul . . .	300	300
	Loanda . . .	Ditto . . .	50	50
	Oporto . . .	Consul . . .	500	500
	Madeira . . .	Ditto . . .	800	800
	St. Michael's . . .	Ditto . . .	400	400
	Fayal . . .	Vice-Consul . . .	100	100
	Terceira . . .	Ditto . . .	100	100
	Cape Verde Islands . . .	Consul . . .	400	400
	Mozambique . . .	Ditto . . .	—	500
Switzerland . . .	Geneva . . .	Ditto . . .	50	50
Sardinia . . .	Genoa . . .	Ditto . . .	400	400
	Nice . . .	Ditto . . .	200	200
	Cagliari . . .	Ditto . . .	250	250
	Carried forward . . .	£	30,940	28,885

## SALARIES, FEES, AND RANK OF CONSULS.

297

COUNTRY.	RESIDENCE.	RANK.	1854.	1855.
			SALARY.	SALARY.
			£	£
	Brought forward . . .		30,940	28,885
Tuscany . . .	Leghorn . . .	Consul . . .	350	350
Roman States . . .	Ancona . . .	Ditto . . .	350	350
	Ditto . . .	Vice-Consul . . .	50	50
Two Sicilies. . .	Naples . . .	Consul . . .	400	400
	Ditto . . .	Vice-Consul . . .	100	100
	Gallipoli . . .	Ditto . . .	100	100
	Otranto . . .	Ditto . . .	25	25
	Palermo . . .	Consul . . .	400	400
	Messina . . .	Ditto . . .	200	200
Austria . . .	Venice . . .	Consul-General . . .	700	700
	Trieste . . .	Vice-Consul . . .	100	100
	Fiume . . .	Ditto . . .	100	100
Greece . . .	Patras . . .	Consul . . .	700	700
	Syra . . .	Ditto . . .	400	400
	Piræus . . .	Ditto . . .	350	350
	Misolonghi . . .	Vice-Consul . . .	150	150
Turkey . . .	Belgrade . . .	Consul-General . . .	800	800
	Bucharest . . .	Agent and Consul-General . . .	900	900
	Jassy . . .	Consul . . .	700	700
	Galatz and Ibrail . . .	Vice-Consul . . .	250	250
	Constantinople . . .	Consul-General . . .	1,500	1,500
	Ditto . . .	Vice-Consul Cancellier . . .	400	400
	Ditto . . .	Vice Consul . . .	300	300
	Ditto . . .	Physician and Surgeon . . .	300	300
	Jedda . . .	Vice-Consul . . .	150	150
	Dardanelles . . .	Consul . . .	300	300
	Enos . . .	Consular Agent . . .	40	40
	Salonica . . .	Consul . . .	350	350
	Larissa . . .	Vice-Consul . . .	—	250
	Volo . . .	Ditto . . .	—	150
	Monastir . . .	Consul . . .	500	500
	Janina . . .	Ditto . . .	550	550
	Ditto . . .	Vice-Consul Cancellier . . .	150	150
	Preveza . . .	Vice-Consul . . .	70	70
	Scutari . . .	Ditto . . .	130	130
	Varna . . .	Consul . . .	500	500
	Brussa . . .	Ditto . . .	350	350
	Smyrna . . .	Ditto . . .	700	700
	Ditto . . .	Vice-Consul Cancellier . . .	200	200
Carried forward . . .			£ 44,555	42,900

COUNTRY.	RESIDENCE.	RANK.	1854.	1855.
			SALARY.	SALARY.
			£	£
	Brought forward . . .		44,555	42,900
Turkey . . .	Smyrna . . .	Chaplain . . .	250	250
	Ditto . . .	Surgeon . . .	200	200
	Adalia . . .	Vice-Consul . . .	100	100
	Macri . . .	Ditto . . .	50	50
	Rhodes . . .	Consul . . .	400	400
	Scio . . .	Vice-Consul . . .	100	100
	Mytilene . . .	Ditto . . .	200	200
	Crete . . .	Consul . . .	300	300
	Erzeroum . . .	Ditto . . .	600	600
	Trebizond . . .	Vice-Consul . . .	200	200
	Diarbekir . . .	Consul . . .	400	400
	Batoom . . .	Ditto . . .	250	350
	Samsoun . . .	Vice-Consul . . .	200	300
	Tarsous . . .	Ditto . . .	250	250
	Mousoul . . .	Ditto . . .	250	250
	Damascus . . .	Consul . . .	600	600
	Aleppo . . .	Ditto . . .	500	500
	Alexandretta . . .	Vice-Consul . . .	300	300
	Beirut . . .	Consul . . .	500	500
	Ditto . . .	Vice-Consul . . .	150	150
	Jerusalem . . .	Consul . . .	550	550
	Caiffa . . .	Vice-Consul . . .		250
	Jaffa . . .	Consul . . .	300	300
Egypt . . .	Egypt . . .	Agent and Consul-General . . .	1,800	1,800
	Alexandria . . .	Consul . . .	600	600
	Ditto . . .	Vice-Consul . . .		
	Ditto . . .	Surgeon . . .	300	300
	Cairo . . .	Consul . . .	100	100
	Damietta . . .	Consul . . .	400	400
	Suez . . .	Vice-Consul . . .	60	80
Tripoli . . .	Suez . . .	Ditto . . .	200	200
	Tripoli . . .	Consul . . .	600	600
	Ditto . . .	Vice-Consul . . .	300	300
	Bengazi . . .	Ditto . . .	400	400
	Mourzouk . . .	Ditto . . .	200	200
Tunis . . .	Ghadames . . .	Ditto . . .	200	200
	Tunis . . .	Agent and Consul-General . . .	1,600	1,600
	Ditto . . .	Vice-Consul . . .	450	450
	Susa . . .	Ditto . . .	300	300
Morocco . . .	Tangier . . .	Agent and Consul-General . . .	1,600	1,600
	Ditto . . .	Vice-Consul . . .	350	350
	Mogador . . .	Ditto . . .	100	100
	Carried forward . . .	£	60,765	59,760



COUNTRY.	RESIDENCE.	RANK.	1854.	1855.
			SALARY.	SALARY.
			£	£
	Brought forward . . .		60,765	59,760
Morocco . . .	Tetuan . . .	Vice-Consul . . .	100	100
	Rabat . . .	Ditto . . .	100	100
Persia . . .	Tabreez . . .	Consul . . .	500	500
	Tehran . . .	Ditto . . .	500	500
	Asterabad . . .	Ditto . . .	500	500
Abyssinia . . .	Massoah . . .	Ditto . . .	500	500
United States . . .	Portland . . .	Ditto . . .	300	300
	Boston . . .	Ditto . . .	200	200
	New York . . .	Ditto . . .	500	500
	Philadelphia . . .	Ditto . . .	500	500
	Baltimore . . .	Ditto . . .	500	500
	Norfolk . . .	Ditto . . .	300	300
	Charleston . . .	Ditto . . .	500	500
	Savannah . . .	Ditto . . .	300	300
	Mobile . . .	Ditto . . .	450	450
	New Orleans . . .	Ditto . . .	500	500
	Galveston . . .	Ditto . . .	300	300
	California . . .	Ditto . . .	300	300
	Cincinnati . . .	Ditto . . .	400	400
Mexico . . .	Mexico . . .	Ditto . . .	250	250
	Vera Cruz . . .	Ditto . . .	500	500
	Tampico . . .	Ditto . . .	500	500
	San Blas . . .	Ditto . . .	300	300
	Mazatlan . . .	Vice-Consul . . .	150	150
	Acapulco . . .	Consul . . .	400	450
Guatemala . . .	Guatemala . . .	Consul-General . . .	1,000	1,000
Salvador . . .	. . .	Vice-Consul . . .	200	200
Nicaragua . . .	Realejo . . .	Ditto . . .	200	200
Costa Rica . . .	San José . . .	Ditto . . .	200	200
Honduras . . .	. . .	Ditto . . .	200	200
Mosquito . . .	Grey Town . . .	Consul . . .	600	600
	Blewfields . . .	Vice-Consul . . .	200	200
Hayti . . .	Port-au-Prince . . .	Consul-General . . .	1,200	1,200
	Ditto . . .	Vice-Consul . . .	500	500
St. Domingo . . .	St. Domingo . . .	Consul . . .	600	800
New Granada . . .	Bogotá . . .	Consul-General . . .	1,600	* —
	Ditto . . .	Vice-Consul . . .	400	400
	Carthagená . . .	Consul . . .	1,000	1,000
	Panamá . . .	Ditto . . .	1,200	1,200
	Sta. Martha . . .	Vice-Consul . . .	400	400
	Rio Hacha . . .	Ditto . . .	300	300
	Carried forward . . .	£	79,915	77,560

COUNTRY.	RESIDENCE.	RANK.	1854.	1855.
			SALARY.	SALARY.
			£	£
	Brought forward . . .		79,915	77,560
Venezuela . . .	Caraccas . . .	Consul-General . . .	1,200	1,400
	La Guaira . . .	Vice-Consul . . .	200	200
	Puerto Cabello . . .	Ditto . . .	200	200
	Maracaibo . . .	Ditto . . .	200	200
	Bolivar . . .	Ditto . . .	200	250
Equator . . .	Guayaquil . . .	Consul-General . . .	1,000	1,000
	Ditto . . .	Vice-Consul . . .	200	200
Peru . . .	Lima . . .	Consul-General . . .	1,700	1,700
	Callao . . .	Consul . . .	200	200
	Islay . . .	Vice-Consul . . .	500	500
	Arica . . .	Ditto . . .	300	300
	Payta . . .	Ditto . . .	100	100
Bolivia . . .	Sucre . . .	Consul-General . . .	1,200	1,200
Chile . . .	St. Jago . . .	Ditto . . .	1,600	1,600
	Valparaiso . . .	Consul . . .	300	300
	Concepcion . . .	Vice Consul . . .	250	250
	Cochimbo . . .	Consul . . .	300	300
	Caldera . . .	Vice-Consul . . .	250	250
Buenos Ayres . . .	Buenos Ayres . . .	Consul-General . . .	1,600	* —
	Ditto . . .	Vice-Consul . . .	500	500
	Rosario . . .	Ditto . . .	—	400
	Paraguay . . .	Consul . . .	700	700
Monte Video . . .	Monte Video . . .	Consul-General . . .	1,400	* —
	Ditto . . .	Vice-Consul . . .	600	500
Brasil . . .	Rio de Janeiro . . .	Consul . . .	800	800
	Maranham . . .	Ditto . . .	300	300
	Pará . . .	Ditto . . .	450	450
	Pernambuco . . .	Ditto . . .	500	500
	Maceio . . .	Vice-Consul . . .	200	200
	Parnaba . . .	Ditto . . .	200	200
	Bahia . . .	Consul . . .	800	800
	Rio Grande do Sul . . .	Ditto . . .	800	800
	St. Catherine's . . .	Ditto . . .	500	500
Sandwich Islands . . .	Waahoo . . .	Consul-General . . .	800	1,000
The Georgian or Windward Is- lands . . .	Tahiti . . .	Consul . . .	500	500
Society or Loc- ward Islands . . .	Raatea . . .	Ditto . . .	500	500
Polynesian Islands . . .		Ditto . . .	—	500
Ditto . . .		Ditto . . .	—	500
	Carried forward . . .		£ 100,865	97,160

COUNTRY.	RESIDENCE.	RANK.	1854.	1855.
			SALARY.	SALARY.
			£	£
		Brought forward . . .	100,865	97,160
Navigators' Islands . . .	Samoa . . .	Consul . . .	350	350
Borneo . . .	Sarawak . . .	Commissioner and Consul-General	500	500
Comoro Islands . . .	Johanna . . .	Consul . . .	150	150
Sherboro' River . . .	Sherboro' Island . . .	Consular-Agent . . .	250	250
Liberia . . .	Monrovia . . .	Consul . . .	500	500
Bight of Benin . . .	Lagos . . .	Ditto . . .	500	500
Bight of Biafra . . .	Fernando Po . . .	Ditto . . .	500	500
			£ 100,615	99,910

\* The Salaries of the Consul-Generalships marked \* are transferred from the Vote for Consular Services to the Charge for Salaries of Diplomatic Servants on the Consolidated Fund.

(B.)

ABSTRACT OF ESTIMATES FOR CONSULAR CONTINGENCIES, for years ending 31st March, 1855 and 1856.

	1854-55.	1855-56.
	£	£
1. Allowances for Special Services, Outfits, Journies, and other Contingencies . . . . .	3,000	3,000
2. Allowance for Postages . . . . .	500	500
3. Moiety of Expenses for Chapels, Chaplains, Building New Churches, and Burial-grounds . . . . .	7,500	7,500
4. Part Expense of Hospitals . . . . .	200	200
5. Interpreters and Guards in the Levant, and on the Coast of Barbary: Rent and Repairs of Consular and Chaplain's Houses, Presents, and the Expense of working the Levant Jurisdiction, under Acts 6 Geo. 4, c. 33, and 6 & 7 Vict., c. 94 . . . . .	5,300	5,300
6. Pensions to aged British Subjects, under Acts 9 Geo. 2, c. 25, 10 Geo. 2, c. 14, and 6 Geo. 4, c. 87 . . . . .	100	100
7. Relief to distressed British Subjects Abroad, under Act 6 Geo. 4, c. 87 . . . . .	5,000	5,000
8. Miscellaneous Expenses, including purchase of Iron Houses for two Consulates on the West Coast of Africa . . . . .	500	1,554
9. Temporary Extra Allowances to meet additional Expenses of certain Consuls near the Seat of War . . . . .	—	2,000
	£ 22,100	25,154

(C.)

ESTIMATE of the sum required for the SALARIES and other Expenses connected with the CHIEF SUPERINTENDENCY and CONSULATES in CHINA, for the year ending 31st March, 1856.

	For the Year end- ing 31st Mar., 1855.	For the Year end- ing 31st Mar., 1856.
<b>Hong Kong :</b>	£ s.	£ s.
Chief Superintendent of Trade . . . . .	4,000 0	4,000 0
Secretary and Registrar . . . . .	700 0	700 0
First Assistant and Keeper of Records . . . . .	472 10	472 10
Second Assistant . . . . .	324 0	324 0
Third Assistant . . . . .	270 0	270 0
Fourth Assistant . . . . .	270 0	270 0
Chinese Secretary . . . . .	1,000 0	1,000 0
Assistant Chinese Secretary . . . . .	600 0	600 0
Seven Supernumerary Interpreters at 200 <i>l.</i> each	1,400 0	2,600 0
Six additional Supernumerary Interpreters at 200 <i>l.</i> each (a)		
Four Chinese Writers or Linguists . . . . .	187 10	187 10
	£ 9,224 0	10,424 0
<b>Consulate at Canton :</b>	£	£
Consul . . . . .	1,800	1,800
Vice-Consul at Canton . . . . .	750	750
Ditto at Whampoa . . . . .	750	750
Interpreter . . . . .	700	700
First Assistant . . . . .	405	405
Second Assistant . . . . .	324	324
Three Chinese Writers or Linguists . . . . .	150	150
	£ 4,879	4,879
<b>Consulate at Amoy :</b>		
Consul . . . . .	1,200	1,200
Vice-Consul . . . . .	750	750
Interpreter . . . . .	500	500
First Assistant and Medical Attendant . . . . .	500	500
Second Assistant . . . . .	270	270
Two Chinese Writers or Linguists . . . . .	100	100
	£ 3,320	3,320
<b>Consulate at Foo-chow-foo : (b)</b>		
Consul . . . . .	—	1,200
Vice-Consul . . . . .	800	750
Interpreter . . . . .	500	500
One Junior Assistant . . . . .	270	270
Two Chinese Writers or Linguists . . . . .	40	100
	£ 1,610	2,820

(a) See annexed Correspondence.

(b) The Consulate at Foo-chow-foo has been re-established, in consequence of the great increase of trade at that Port.

	For the Year end- ing 31st Mar., 1855.	For the Year end- ing 31st Mar., 1856.
<b>Consulate at Ningpo :</b>	£	£
Vice-Consul . . . . .	800	800
Interpreter . . . . .	500	500
Two Chinese Writers or Linguists (a) . . . . .	40	80
£	1,340	1,380
<b>Consulate at Shanghai :</b>		
Consul . . . . .	1,500	1,500
Vice-Consul . . . . .	750	750
Interpreter . . . . .	800	800
First Assistant and Medical Attendant . . . . .	500	500
Second Assistant . . . . .	324	324
Three Chinese Writers or Linguists (b) . . . . .	170	208
£	4,044	4,082

## RECAPITULATION.

	For the Year end- ing 31st Mar., 1855.	For the Year end- ing 31st Mar., 1856.
	£	£
Superintendency . . . . .	9,224	10,424
Consulate at Canton . . . . .	4,879	4,879
Consulate at Amoy . . . . .	3,320	3,320
Consulate at Foo-chow-foo . . . . .	1,610	2,820
Consulate at Ningpo . . . . .	1,340	1,380
Consulate at Shanghai . . . . .	4,044	4,082
<b>TOTAL for Salaries . . . . .</b>	£ 24,417	26,905
Contingent Expenses (c) . . . . .	5,000	5,000
Passage Money for Supernumerary Interpreters . . . . .	400	700
Outfit to Sir John Bowring . . . . .	1,333	—
£	31,150	32,605

(a) The appointment of an additional Linguist has been sanctioned.

(b) This increase has been sanctioned, in consequence of the necessity of securing the services of a Linguist of a superior class for the business of the Consulate.

(c) The Contingent Expenses are :—

1. Wages for Public Servants, such as Porters, Coolies, Watchmen, Gaolers, Boatmen, Police.
2. Printing, Stationery, Postage, Messengers.
3. Rent of Ground for Consular Buildings, Repairs, and Insurance.
4. Office Expenses.
5. Chapels and Chaplains.
6. Outfit to Consuls and Vice-Consuls.
7. Journeys on Public Service.
8. Allowance to St. Paul's College, Hong Kong, with a view to promoting study of Chinese language.
9. Petty and Miscellaneous Expenses.



# APPENDIX.





## SECTION THE FIRST.

---

**"Mark what unvaried laws preserve each state,  
Laws wise as Nature, and as fix'd as Fate."**  
**Pope.**

**ABANDONMENT** is a term in insurance, where the loss is not total, but in which the damage has become so great that the owner abandons the damaged property for the benefit of the assurers, they paying him the total amount for which the property is insured, against which they receive the balance recovered from the sale of the things salvaged.

"This is when the loss is not total in fact, but the subject-matter of the insurance is in any great jeopardy; so great as to render it improbable that there will be any effectual recovery of it, or has sustained such injury that a discreet owner uninsured would not, looking at all the circumstances, repair it.

"In cases where the law requires an abandonment in order to make a loss total, not only the thing insured, or part of it, is supposed to exist in specie, but there is a prospect, however remote, of its arriving at its destination; or, at least, of its value being in some way affected by the measures that may be adopted for the recovery and preservation of it.

"When the insured is entitled to abandon, and thinks proper (for he is in no case obliged) to do so, he must give notice of abandonment within a reasonable time. What is a reasonable time may vary with the circumstances of each particular case. However, it is sufficient if notice be given in a reasonable time after the insured has received intelligence of the loss, and has had an opportunity of ascertaining the extent of damage.

"An abandonment cannot be partial; it must be of the whole thing insured. It must also be unconditional; at least, unless the under-

writers think proper to accept a conditional one. It must also be express and positive. It may be made by parole.

“The effect of an abandonment is to divest the property of the thing abandoned out of the insured, and vest it in the assurers, for whom the former becomes a trustee. But the assurers, of course, only receive the balance which may remain after deducting the necessary expenses incurred in the preservation of the property abandoned to them.” \*

**ADJUDICATION IN DISPUTES.**—In many countries the authority of a Consul has been extended, in order that he may act judicially in disputes between the subjects of the country he represents. The following States have reciprocal treaties with Great Britain on this head :

1662.—28th April.	With Tripoli.	Paragraph 7.
1670.—5th March.	„ „	„ 14.
1676.—1st May.	„ „	„ 11.
1721.—23rd January.	„ Morocco.	„ 9.
1751.—1st February.	„ „	„ 3.
1751.—19th September.	„ Tripoli.	„ 11.
1751.—19th October.	„ Tunis.	„ 8.
1760.—28th July.	„ Morocco.	„ 9.
1791.—8th April.	„ „	„ 7.
1824.—19th January.	„ „	„ 7.
1827.—17th August.	„ Brazil.	„ 3.
1839.—31st May.	„ Muscat.	„ 5.

**AFFIDAVITS** (vide Oaths).—The Act 5 & 6 Wm. 4, c. 62, was passed for the suppression of voluntary and extra judicial affidavits, and for substituting declarations in lieu thereof. Such declarations can be made before a Consul, but care must be taken that they conclude in the following manner: “And I make this solemn declaration, conscientiously believing the same to be true; and by virtue of an Act passed in the 5th and 6th year of the reign of His Majesty King William the 4th, intituled ‘An Act for the Suppression of Voluntary and Extra-judicial Affidavits and substituting Declarations in lieu thereof.’ ”

**ALIEN** is one born out of the King’s allegiance. The privileges enjoyed by Aliens, by the British law, are as follows :

1stly. Children born abroad of a father and mother bearing allegiance to England, have the benefit of natural born subjects.

2ndly. They cannot hold benefices.

\* Steel’s “Shipmaster’s Assistant,” p. 136.

3rdly. They may hold personal property, and by the 7 & 8 Vict., land for twenty-one years.

4thly. Living seven years in any British Colonies in America, and taking certain oaths, etc., to be considered natural born subjects.

5thly. The Act 6 & 7 Wm. 4, c. 11, refers to the registration of Aliens; the preamble of which is as follows:

§. 2. Masters of vessels from Foreign Ports to declare what Aliens are on board, or have landed from the vessel.

§. 3. Alien on arrival from abroad to declare his name, description, etc., and produce his passport.

§. 4. Officer of Customs to register the declaration, and deliver a certificate thereof to Aliens.

§. 5. Officer of Customs to transmit Declaration, etc., to Secretary of State.

§. 6. Certificates of Aliens departing the realm, to be delivered to Secretary of State.

§. 7. New Certificates to be delivered in lieu of such as are lost.

§. 8. Such Certificates to be granted without fee.

§. 9. Penalties for forging Certificates.

§. 10. Prosecution of offenders.

§. 11. Not to affect Foreign Ministers or their Servants; nor Aliens who have been resident three years, and obtained certificates thereof: nor Aliens under fourteen years of age.

6thly. By the 24 Geo. 3, sect. 2, c. 35, Aliens can be admitted by the Bishop of London, or any Bishop appointed by him, to the office of deacon and priest without taking the oath of allegiance, but are not to exercise their functions in Her Majesty's dominions.

7thly. Persons born abroad of a mother being a natural born subject, may hold real or personal property.

8thly. Children of Aliens born in Her Majesty's dominions are natural born subjects.

9thly. Aliens, although naturalised, cannot be Members of the Privy Council, or of either House of Parliament.

10thly. Women (alien) married to natural born subjects, to be considered as the latter.

11thly. Aliens enjoy the same privileges as natural born subjects in Trade.

As it may be of interest to know the different privileges Aliens enjoy in other countries, on referring to Mr. Leone Levi's valuable work on commercial law, we have extracted the following observations on their immunities in foreign countries—viz.:

*Russia.*—No foreigner can be a trader, except he be a naturalised

subject; no exception is made to this rule other than in the case of wholesale merchants, artists, and a few others.

*Sweden.*—An Alien can trade on reporting himself to the Burgo-master, and on obtaining his permission.

*Spain and Portugal.*—No foreigner can trade except in conformity with the special clauses in the Treaties between the several countries.

*France.*—Very great facilities are given to Aliens, and any one can establish himself in trade there.

*America.*—Any one can trade. Aliens cannot acquire a title to real property by descent. They can purchase land, but it becomes vested in the State at their death.

*Lubeck.*—They cannot trade without an authority being given by the Tribunal of the judicial Police.

*Malta.*—There is no difference between natives and foreigners; both are under the law of the Government.

AMBASSADORS, or accredited Envoys from one country to another, are referred to in very early ages. In every country, the person of the Ambassador, *as being the representative of his Sovereign in the state he is sent to*, is inviolable and sacred. He is considered as a man resident in the country he is sent from, so far as concerns the law and Government, and, as such, all complaints against him must be represented in the same manner as if he were not resident in the State he is sent to. “*Legatus non est civis noster, non incola, non venit, ut ad nos domicilium, hoc est, rerum ac fortunarum suarum sedem, transferat, peregrinus est, qui apud nos moratur ut agat rem Principis sui.*” \* Consequently Ambassadors cannot be cited before any tribunal in the State, and cannot be arrested. Indeed, a demonstration of this occurs in the case of the Portuguese representative in 1653, and that of the Russian, in 1709, when the offenders were severely punished, and the statute of 7 Anne, cap. 12, was passed in consequence, the preamble of which is as follows: That whereas turbulent and disorderly persons having, in a most outrageous manner, insulted the person of His Excellency Andrew Artemonowitz Matueof, Ambassador Extraordinary of his Czarish Majesty, the Emperor of All the Russias, by arresting him, and taking him by violence out of his coach in the public street, and detaining him in custody for several hours in contempt of the protection granted by Her Majesty, and contrary to the law of nations, and in prejudice of the rights and privileges which Ambassadors and other public Ministers, authorized and received as such, have at all times been thereby possessed of, and ought to be

\* Bynkershoek, “*De foro legatorum*,” cap. viii.

kept sacred and inviolable : Be it therefore enacted, etc., that all suits against the said Ambassador shall be deemed null and void, as well as all entries, processes, etc., against him. And to prevent like insolence in future, all processes, writs, etc., whereby the person of the Ambassador or public Minister of any foreign State, or his domestic or domestic servant could be arrested, shall be null and void. Any person or persons arresting them shall be punished as the Justices think fit.

The exceptions to this Act shall be merchants or traders, amenable to the Bankruptcy Laws, putting themselves in the service of the Ambassador. Servants, etc., of Ambassadors, not privileged and registered in the Secretary of State's office, shall be also exempt from the protection of this Act.

In 1790, two men were convicted for arresting a servant of an Ambassador. They were sentenced to be conducted to the house of the Ambassador, with a label on their breasts, to ask his pardon ; one was imprisoned three months, and the other fined heavily. This in those times was a very severe punishment ; and, without doubt, we may draw the inference from this, as well as from the writings of many celebrated authors on the subject, that the chattels, goods, and suite of an Ambassador, enjoy the same immunities as himself.

ATTESTATION.—Consuls attesting and legalising documents under their hand and seal of office, such become legal evidence in a court of law.

AVERAGE—of which there are two kinds, general and particular—as applied to maritime affairs, signifies a contribution towards losses and expenses which have been incurred, for the advantage of those interested ; or (as *Steel* says) some contribution to be made by the assurers for partial loss or damage sustained by the property insured. Average, therefore, is divided into two separate heads—General and Particular.

GENERAL AVERAGE is a claim where contribution is demanded from the insurers or proprietors of goods shipped on board a vessel, where other property, or part of the ship, has been sacrificed for the general good, and for the safety of the other merchandize. Nothing can be more just and honourable than this ; as, where another man's goods have been sacrificed for the benefit of the other merchandize on board the same vessel, it is quite reasonable that he cannot be expected to bear a loss for a benefit arising to another. This has been always confirmed by every insurer, and, indeed, such an acknowledgment is a mutual advantage to them. In fact, even during pursuit by an enemy, if things are thrown overboard to lighten the vessel, and she escapes,

the shippers of the goods remaining on board are naturally called upon to pay their contribution for the just benefit of the party to whom the goods destroyed belonged.

It is generally understood, and confirmed by numerous writers, that the loss must be incurred wilfully, by design; as the washing overboard accidentally cannot be attributed to any design to save the goods of other shippers, but must be laid down to the will of God. *Steel* and *Abbot* agree that it must be done also during the time of distress, not merely because the ship is too heavily laden during a quiet sea; as this would be the fault of the captain or owners of the vessel, with which the shippers of the goods have nothing whatever to do. It is, of course, understood that the act must succeed in saving. Lord Tenterden sums up in a few words what it ought to comprehend. He says: "The act must be the effect of danger, and the cause of safety." Again, when the ship has been damaged for the safety of the cargo, such as throwing overboard spars, boats, etc.; and she is compelled in consequence, and in order to convey the goods safely to their destination, to put into a port and repair, the amount of such repairs is calculated in general average, and is justly an amount which the owners of the merchandize ought to contribute to make good. Again, if a vessel be voluntarily stranded for the purpose of escaping a total loss of the cargo, this may become a subject of general average. (*Steel* says) that goods stowed on deck are not the subject of average, because they ought not to be there, and they not only increase the danger of the other merchandize, but are placed in a more perilous position, and cannot, therefore, if they are lost, become subjects for general average. The contribution made, and very just, in general average, is from every kind of merchandize on board, except the effects (that is, wearing apparel and jewellery) of passengers. Why these should have remained exempted has always seemed to us incomprehensible, and we can only suppose that, as they pay no freight, they are not considered as the general merchandize of the vessel. The ship and freight, however, contribute, as also the amounts of the vessel's earnings in freight, etc. The wages of the crew, however, the ammunition and victuals of the ship, do not contribute, as one is the private fund for the working of the ship in danger, and the latter is the maintenance of such working. In foreign countries, things are made the subject of general average which are excluded here; and it is, therefore, necessary, in writing policies of insurance, to add, "general average according to the foreign statement." We do not think any further explanation is necessary on this head, with the exception of a Formula, which we subjoin, showing how general average is made up.

STATEMENT of GENERAL AVERAGE of the *Renown*, JAMES SMITHERS Master, from Yarmouth to London, in consequence of getting aground near Harwich, etc. (*Steel's Shipmaster's Assistant.*)

DISBURSEMENTS.	GENERAL.			SHIP.			OWNERS.		
	£	s.	d.	£	s.	d.	£	s.	d.
John Bates and Edward Orton, of the smacks <i>Thomas</i> and <i>Mary</i> , for assisting the vessel, and bringing her into Har- wich, as per agreement. . . . .	60	0	0						
Cash paid Captain Smithers . . . . .		...			...		5	0	0
Notarial charges . . . . .	2	2	0						
Hulse and Bell, for Agency . . . . .	2	2	0						
John Spencer, shipwright . £3 10 0									
Off, 1s. 3d. . 1 3 4									
	...			2	6	8	1	3	4
Value of barley thrown overboard:									
Shipped 690 qrs.									
Landed. 509 „									
Jettison . 181 „ at 31s., £280 11 0									
Freight, 2s. 6d. per qr. . 22 12 6									
Lighterage, &c. . 4 4 0									
	27	6	6	253	4	6			
Freight as above . . . . .	22	12	6						
	340	1	0	2	6	8	6	3	4
Postage, stamps, &c. . . . .	0	10	0						
Statement . . . . .	1	1	0						
	341	12	0						
APPORTIONMENT.									
Ship, valued at £800, pays . . . . .	148	13	10	148	13	10			
Cargo, barley, viz.:									
Arrived, £714 12 6						151	0	6	
Jettison 253 4 6									
967 17 0 pays	179	18	0						
Freight, viz.:									
Arrived 63 12 6									
Jettison 22 12 6									
70 0 0 „	12	0	2						
£1,837 17 0	341	12	0						

PARTICULAR AVERAGE is a partial loss, against which the insurance is specially made. It may consist in one against the ship, the freight, or the cargo. "In respect to the ship," *Steel* says, "it may consist in the loss of boats, if properly lashed up, the breaking of a cable and

loss of anchor, and damage by running ashore to avoid a greater peril from storms or heavy seas, from the attack of an enemy, or from endeavours to escape capture. Again, when a vessel runs foul of another, if neither is particularly to blame, each owner must bear his own loss, which is recoverable from the underwriters. The amount of damage must be thirty shillings upon the whole value, to render the underwriters liable for the loss; unless it may arise from the stranding of the vessel. The claim of freight, as it is generally specially mentioned in the policy, is necessarily left open, as the interest may appear. In the event of the goods being lost, and the freight irrecoverable, the underwriters have to make it good, or to bear their proportion when the freight has been insured."

BARRATRY is generally understood to be a fraudulent act of the master or mariners, committed to the prejudice of the owners of the ships. *Abbot* says, "To our definition of barratry, it is not essential that the act should be done by the master for his own benefit, or with the intent of injuring his owners." Thus, if he sail out of port without paying port duties, whereby the goods are forfeited, lost, or spoiled; or if he cruise in quest of prizes without proper authority, and contrary to the orders of his owners; or if he disregard an embargo, or attempt a breach of blockade, or be concerned in smuggling, or connive at smuggling by his mariners; or wilfully delay, or deviate, or run away with the ship, and sell her, or part of her cargo, he is guilty of barratry: and where a master has general instructions to make the best purchases with despatch, it was considered that such instructions must mean legal purchases and legal despatch, and that going into an enemy's settlement to trade, although his cargo could be more speedily and cheaply completed there (the ship being seized and confiscated on account of it), was barratry. Nor was it thought to make any difference that he intended thereby to promote his owners' interests. It is not for him to judge in cases not entrusted to his discretion, or to suppose that he is not breaking the trust reposed in him, but acting meritoriously when he endeavours to advance the interests of his owners by means which the law forbids, and which his owners must be taken to have forbidden; not only from what ought to be, and therefore must be presumed to have been, their own sense of public duty, but also from a consideration of the risk and loss likely to follow from the use of such means. But an error in judgment in matters entrusted to his discretion, and not contrary to law, admits of a different consideration; and accordingly, when in an action on a policy of insurance, the loss being alleged by barratry of the master, it appeared that his ship having sprung a leak, he took her into port, and before any survey made, broke up her ceiling and bows with bows, thereby injur-



ing and weakening her, Lord Ellenborough, addressing the counsel for the plaintiff, said, "To constitute barratry, which is a crime, the captain must be proved to have acted against his better judgment; as the case stands, there is a whole ocean between you and barratry."

Barratry may be committed with the privity of the freighters against the owners, or by the owners or master against the general freighters. It would seem that one part owner, being master, may commit barratry against another; but if the master be sole owner, he cannot commit barratry against himself.

BILLS OF LADING are instruments a Captain signs as an acknowledgment of the goods being received on board; and after signing this he is liable for every clause as signed for. It is, therefore, most essential that a Captain should be extremely particular in putting his name to any such document unless he is quite positive that the goods are on board, and unless he knows the exact contents of the package; the clause is generally inserted by him, "contents unknown;" and in fragile articles, etc., "not accountable for breakage and leakage." For forms of Bills of Lading, and Bills of Lading Act, *vide* Sections iv. and vi.

BIRTHS AND DEATHS AT SEA.—The Act, 6 & 7 Wm. 4, c. 86, s. 21, states, that the commanding officer on board of whose vessel a child is born, shall make a minute of the several particulars relating thereto.

When a passenger or sailor dies during the voyage, and no one present is legally entitled to take possession of the effects, the master must make an inventory, witnessed by some other passenger or seaman, or by the mate. Should they not be claimed within a reasonable time, the master may sell the same, but is always liable to be called upon for the amount, and to show the sale was for the value of the articles disposed of. In the case where a seaman dies abroad, or on board, we beg to refer the reader to the Consular Instructions, 1855.

BLOCKADE is the stopping up the traffic from a port by an enemy's fleet, and it is throughout the world acknowledged that the attempt to break such Blockade is the forfeiture or capture of the ship, whether she be a vessel belonging to the State of the blockading squadron, or of neutral nations. It is, however, difficult to determine a cognizance on the part of the captain of the vessel of the state of such Blockade, and an innocent person not having had any idea of such Blockade, and not being warned off by the blockading squadron, cannot be considered a lawful prize.

*Dr. Deane*, in a very clever work, recently published on the subject, defines a Blockade as follows:

1stly. That the Blockade should offer no obstruction to a neutral port; that is, that in blockading a number of the enemy's Ports, by the

stoppage of a river or channel in which there happened to be a neutral Port, would be considered a violation of the law of nations.

2ndly. That once the Blockade has been established, no ship whatever should be allowed to enter; and if the Blockade is not so enforced, it cannot be insisted upon by a Prize Court. Vessels of neutral nations in ballast, or with cargo, laden before the fact of the Blockade has been established, may come out.

3rdly. That the sailing or prosecuting a voyage to a blockaded Port, after the knowledge of the existence of such Blockade, and with an intention to violate such Blockade, is an offence punishable by confiscation.

4thly. That it is for the Commanding Officer of the blockading squadron to board any neutral vessel, warn her that such a Blockade has been established, and write a notice to that effect upon the ship's papers; but, at the same time, if there is reason to suppose, or sufficient proof that such vessel at the Port of her sailing, has been apprised of such Blockade, and having attempted to break it, shall be liable to confiscation.

5thly. That any vessel found coming out of the blockaded Port having any goods on board, and having entered into such Port during the existence or in breach of such Blockade, she shall be seized and sent in for adjudication.

6thly. As regards free ships making free goods, *Dr. Deane* adds, that inquiries must still be made, and the ship's papers be referred to and examined in order to ascertain her nationality, her cargo, whether contraband or not, her destination and port of clearance, as well as the character and number of her passengers.

In respect to the papers found on board a ship, any suspicious letter found among them having reference to her destination to an enemy's Port, would be sufficient cause for her detention, and even condemnation. As regards what is contraband of war,\* it is a difficult thing to determine what would condemn a ship in respect thereof. The transportation of military personages and dispatches is prohibited, and would come under the category of condemnation.

BOTTOMRY is an hypothecation of a ship for the payment of the debts of a vessel, which may have been incurred by reason of her having been compelled to put into a foreign port by distress to repair, and where the master, not having sufficient funds at hand to defray the same, and in the absence of being able to raise money on his own credit or on that of the owners, gives the bottom of the ship as a security for the money lent. A case of necessity, to enable the master

\* *Vide* under head, "Contraband of War."

to carry the goods to their destination, ought to be established, to justify him taking a bottomry bond on his vessel, as it would not be recognisable in law were he to hypothecate his vessel for private expenses; again, he is justified in taking a bottomry bond to pay the crew their wages, should the owner not have remitted him money for that purpose, but this would not be justifiable before he came to the port where the cargo is discharged. It must, however, be understood that he could not do so for wages of antecedent voyages, as such ought to have been satisfied prior to the vessel leaving the port where she took her cargo in. For form of Bottomry Bond *vide* Section vi., and for further particulars, *vide* ss. 22 to 32, Instructions to Consuls, pages 45 to 51.

**CAPTURE.**—According to the legal signification of capture, the same is constituted by the taking of the vessel, or seizing the ship in time of war; which capture, however, must be legalised and sanctioned by a sentence of condemnation in a Court of the capturing power, acknowledged according to the law of nations. *Abbot* says: "That there appears no settled and uniform rule established in practice among nations, as to the precise period at which property is divested by capture. It is, however, generally understood to take place twenty-four hours after possession." Capture, however, must be conducted on very strict principles, as in the recent decision of the Right Honourable Pemberton Leigh in the case of the *Ostsee*, he has decreed, and very justly, that officers capturing vessels without sufficient cause, or in ignorance or misunderstanding of their instructions, are liable to be called upon to pay the costs for the detention of the vessel captured. In this theory he is undoubtedly right, as the encouragement held out by prize money might easily cause, if such was not so, the detention of many vessels from which it was thought prize money might possibly be obtained. It has generally been determined and confirmed by *Lords Stowell and Tenterden*, that by the general practice of nations a sentence of condemnation is at present deemed necessary, and a neutral purchaser in Europe during war looks to a legal sentence of condemnation as one of the title deeds of a ship, if he buys the vessel. Whether a purchase of a condemned ship by a neutral, and its subsequent capture under the protection of a neutral flag, is likely to transfer the title, is a matter open to a great deal of controversy, although it may be generally supposed that belligerent powers would hold sacred the laws of nations in respect to the property of neutrals. A legal condemnation of a captured vessel cannot be effected by a Consul when the vessel is carried into a neutral port, and *Lord Stowell* was even of opinion that a condemnation could not be decreed in a proper Court of the belligerent power, when the ship was in a neutral port, as it would be contrary to the law of nations. Of course it is

clearly understood that capture by pirates or letters of marque is not recognised; and, in fact, the first is never countenanced as capture, nor does it divest the property from its original owner. So many lessons can be taken from the Judge's decision in the case of the *Ostsee* that we give it in full.

*The Mecklenburg Ship Ostsee.\**—At the Judicial Committee of the Privy Council.—Present: The Right Hon. T. Pemberton Leigh, the Right Hon. Sir Edward Ryan, the Right Hon. Sir John Patteson, and the Right Hon. Sir John Dodson—judgment was given in the following important case:

On the 1st of June, 1854, the ship *Ostsee*, sailing under the Mecklenburg flag, on her voyage from Cronstadt to Elsinore, was seized by Her Majesty's ship *Alban*, under the command of Captain Otter, and sent to London for adjudication as prize. Upon the ship's papers, and the examination of the master, the mate, and another of the crew, on the usual interrogatories, there appeared to be no ground for condemnation; and with the consent of the captors on the 19th August, 1854, an interlocutory decree was pronounced, by which the ship and cargo were restored to the claimants, but without costs and damages. From so much of the decree as refuses costs and damages to the claimants, the present appeal was brought.

The Right Hon. T. Pemberton Leigh delivered the judgment of the Court. On the 1st June, 1854, the ship *Ostsee*, sailing under the Mecklenburg flag, on her voyage from Cronstadt to Elsinore, was seized by Her Majesty's ship *Alban*, under the command of Captain Otter, and sent to London for adjudication as prize. Upon the ship's papers, and the examination of the master, the mate, and another of the crew, on the usual interrogatories, there appeared to be no ground for condemnation; and with the consent of the captors, on the 19th August, 1854, an interlocutory decree was pronounced, by which the ship and cargo were restored to the claimants, but without costs and damages. From so much of the decree as refuses costs and damages to the claimants, the present appeal is brought. It is agreed on all hands that the restitution of a ship and cargo may be attended, according to the circumstances of the case, with any of the following consequences:—1. The claimants may be ordered to pay the captors their costs and expenses; or, 2. The restitution may be, as in this case, simple restitution, without costs, or expenses, or damages, to either party; or, 3. The captors may be ordered to pay costs and damages to the claimants. These provisions seem well adapted to meet the various circumstances, not ultimately affording ground of • condemnation, under which captures may take place. A ship may by

\* Shipping and Mercantile Gazette Report.

her own misconduct have occasioned her capture, and in such a case, it is very reasonable that she should indemnify the captors against the expenses which her misconduct has occasioned. Or she may be involved, with little or no fault on her part, in such suspicion as to make it the right or even the duty of a belligerent to seize her. There may be no fault either in the captor or the captured, or both may be in fault; and in such cases there may be *damnum absque injuria*, and no ground for anything but simple restitution. Or there may be a third case, where not only the ship is in no fault, but she is not by any act of her own, voluntary or involuntary, open to any fair ground of suspicion. In such a case a belligerent may seize at his peril, and take the chance of something appearing on investigation to justify the capture; but if he fails in such a case, it seems very fit that he should pay the costs and damages which he has occasioned. The appellants insist that the circumstances of this case bring it within the last of these rules. The general principles applicable to this point are stated with great clearness in a document of the very highest authority—the report made to King George II., in 1753, by the then Judge of the Admiralty Court, and the law officers of the Crown, one of whom was Mr. Murray (afterwards Lord Mansfield), and they are laid down in these terms;—"The law of nations allows, according to the different degrees of misbehaviour or suspicion arising from the fault of the ship taken, and other circumstances of the case, costs to be paid or not to be received by the claimant in case of acquittal and restitution. On the other hand, if a seizure is made without probable cause, the captor is adjudged to pay costs and damages." This passage, with others, is cited by Lord Stowell (then Sir W. Scott) and Sir John Nichol, in their letter to the American Minister in 1794, as containing an accurate state of the law of maritime capture. These rules have been recognized and acted upon by all the chief maritime powers. In France a very early Ordonnance provides that, when a seizure is made, "*sans cause raisonnable, notre dit Amiral fera dûment restituer le dommage.*" The same rule is laid down by M. Pourtalès, in two cases which came before the French Conseil des Prises in 1799. In one, the *Pigou*, where a neutral ship (an American) had been captured by two French frigates, the rule was stated, and applied, it may be thought with some severity, to the particular case. An English translation of a rather imperfect report of the judgment is to be found in the notes in the case of the *Charming Betsy* (2 Cranch, 98); but the judgment is set out at length in a French work published during the present year, with which Mr. Rothery has been good enough to furnish us, entitled, "*Traité des Prises Maritimes*," vol. ii., p. 54. After stating that in general a man is bound, as well by natural as by civil law, to make good the

damage which he has occasioned, and that error on his part cannot relieve him from this reparation, the Judge proceeds in these terms:—  
“En matière des prises l'imprudence des capturés, leur négligence dans l'observation de certaines formes, des procédés équivoques, peuvent souvent compromettre leur sûreté et faire suspecter leur bonne foi. Il peut arriver alors qu'en examinant l'ensemble des faits on reconnaisse qu'une prise est invalide. Mais on peut reconnaître aussi que les capturés par leur conduite ont donné lieu à la méprise des capteurs. Dans ce cas il serait injuste de rendre ceux-ci responsables d'une erreur que l'on ne peut raisonnablement regarder comme leur ouvrage. Mais quand l'injustice des capteurs ne peut être excusée, les capturés ont incontestablement droit à une adjudication de dommages-intérêts.” In that case there would appear to have been some colour for the capture, for the tribunal of First Instance had decreed restitution; that order had been reversed by a superior court at Morbihan, which decreed condemnation of the ship and cargo, and this sentence was again reversed by the Conseil des Prises, which decreed restitution, with costs and damages. The same doctrine is laid down by the same eminent authority, about the same period, in the case of the *Statira* (2 Cranch, 98). The cases in the American Courts fully bear out the statement of the law by Mr. Justice Story in the treatise already referred to, which is in these terms:—“Every capture, whether made by commissioned or non-commissioned ships, is at the peril of the captors. If they capture property without reasonable or justifiable cause, they are liable to a suit for restitution, and may also be mulcted in costs and damages. If the vessel and cargo, or any part thereof, be good prize, they are completely justified, and although the whole property may, upon a hearing, be restored, yet, if there was probable cause of capture, they are not responsible in damages.” It may be observed that there is a misprint in this passage in Pratt's edition of Story, p. 35, where the words “possible cause” are substituted for “probable cause.” On referring to the Appendix to 2 Wheat. Rep. 8, from which this part of the treatise is copied, the mistake appears; and, indeed, it is obvious from the context. Mr. Justice Story then proceeds to enumerate a great variety of circumstances which have been held to constitute probable cause, but all of a character to throw suspicion on the ship or cargo, and all attributable, in a greater or less degree, to some act or omission on the part of the owners. At p. 39 he lays it down generally:—“If the capture is made without probable cause, the captors are liable for damages, costs, and expenses to the claimants.” In the case of the *Maria Schroeder*, in 1800 (reported 3 Rob., 152), Lord Stowell says:—“It is not necessary that the captor should have assigned any cause at the

time of the capture ; he takes at his own peril, and on his own responsibility, to answer in costs and damages for any wrongful exercise of the rights of capture. In the case of the *Triton*, in 1801 (4 Rob., 79), the same learned Judge expresses himself thus :—" This being the case of a voyage between two neutral ports, without any doubt on the destination, and without any sufficient ground of seizure, I think the claimants are entitled to costs and damages." In the case of the *William* (6 Rob., 316), the same learned Judge states :—" When a capture is not justifiable, the captor is answerable for every damage." And the same law is laid down in the case of the *Actæon* (2 Dods., 51), which we shall presently have occasion to state more fully. In the case of the *Elizabeth*, before the Lords of Appeal in 1809 (1 Acton, 13) Sir William Grant—an authority upon such subjects second only, if second, to Lord Stowell—is reported to say :—" We order the vessel to be restored ; and, as we are of opinion there appears scarcely any ground for justifying the detention of the vessel, condemn the captor in costs." There appears in that case to have been, in the opinion of the Court, some, though but little, ground for the seizure, and the decree is for restitution without damages ; but the captor, who had obtained a decree in the Court below, is condemned in the costs of the appeal. We have referred to the original order in the minute book, the case being loosely stated in the report. The result of these authorities is, that in order to exempt a captor from costs and damages in case of restitution, there must have been some circumstances connected with the ship or cargo, affording reasonable ground for belief that one, or both, or some part of the cargo, might prove, upon further inquiry, to be lawful prize. What shall amount to probable cause, so as to justify a capture, cannot be defined by any exact terms. The question was discussed before Mr. Justice Story, in the case of the *George* (1 Mason, 26), when it was contended that, in order to exempt captors from costs and damages, the case against the ship at the time of seizure must be such as *prima facie* to warrant condemnation, or at all events that a restoration by a Court of Prize, without further proof, is conclusive evidence of a defect of probable cause. Mr. Justice Story expresses his dissent from these propositions, in which we agree with him ; and he then expresses himself in these terms :—" If, therefore, there be a reasonable suspicion of illegal traffic, or a reasonable doubt as to the proprietary interest, the national character, or the legality of the conduct of the parties, it is proper to submit the cause for adjudication before the proper prize tribunal ; and the captors will be justified although the Court should acquit without the formality of ordering further proof." In this case there was abundant ground of suspicion, and the demand of damages was .




rejected. Neither in the text, nor in the decided cases to which we have thus referred, do we find it stated that, in order to subject captors to condemnation in costs and damages, vexatious conduct on their part must be proved (except as some degree of vexation is necessarily implied in the detention of a vessel without reasonable cause after she has been searched), or that honest mistake, though occasioned by the act of the Government of which they are subjects, can relieve them from their liability to make good to a foreigner and neutral—and with this case alone we are dealing—the damage which by their conduct he has sustained. Nor is it easy to perceive upon what grounds of reason or justice such excuses could rest. If costs and damages were inflicted as a punishment on captors, honest intention would be a consideration of the greatest weight, but the principle on which they are awarded is that of affording compensation to a party who has been injured. Vexatious conduct on the part of the captors has in some cases been alluded to as removing all reluctance on the part of the Judge to award costs and damages, as in the *Nemesis* (Ed. R., 50); or, as forming a ground for what are termed vindictive damages; or, for subjecting the captors to costs and damages, or depriving them of their expenses, when, but for such conduct, they might have been entitled to their expenses against the claimants, as in the cases of the *Speculation* (2 Rob., 254), the *Washington*, (2 Rob., 275), and several others: but no case was cited to us at the bar, nor have we been able to find any, in which wilful misconduct on the part of the captors has been stated to be a necessary ingredient in an ordinary condemnation in costs and damages. So as to error occasioned by the proceedings of their own Government. The captors act as the agents of the State of which they are citizens, and which must ultimately be responsible for their acts. Prize courts afford the remedy as between the individuals, which otherwise must be sought by the Government of the claimants against the Government of the captors; but the mode of proceeding cannot affect the right to redress, and if the State could not urge its own mistakes as a justification of its own wrong, neither, it should seem, should individual citizens be permitted to do so. The law of nations upon these points appears to us to be settled by decisions both in the American and European courts. In the case of the *Charming Betsy* in 1804 (2 Cranch, 123), the captain of an American ship of war had seized in America a vessel which was held upon the evidence to have become Danish property. The Court was of opinion that the orders issued by the American government were such as might well have misled the captor; but it was decided (the judgment being delivered by a most eminent lawyer, Chief Justice Marshall) that the claimants were entitled to costs and damages

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against the captors (though not vindictive damages, which had been awarded in the Court below), and that the officer, if he had acted in obedience to orders, or had been misled by his Government, must be indemnified by the State. Precisely the same doctrine, though without reference to this decision, was laid down some years afterwards in the case of the *Actæon* (2 Dods., 51). There an American ship, sailing under a British license, had been captured by one of His Majesty's frigates, under the command of Captain Capel, who, being unable to spare men to take charge of her, had destroyed the vessel and cargo. It was a case, therefore, in which all possible suspicion of selfish or improper motives for the capture were out of the question; yet Lord Stowell decreed restitution with costs and damages, and laid down the principles of his decision in these terms:—"This question arises on the act of destruction of a valuable ship and cargo by one of His Majesty's cruisers. On the part of the claimants restitution has been demanded, and there can be no doubt they are entitled to receive it; indeed, I understand that it is not now opposed by the captor himself, but it remains to be settled what is to be the measure of restitution, and how far it is to be carried. The natural rule is, that if a party be unjustly deprived of his property, he ought to be put as near as possible in the same state as he was before the deprivation took place—technically speaking, he is entitled to restitution with costs and damages. This is the general rule upon the subject, but, like all other general rules, must be subject to modification. If, for instance, any circumstances appear which show that the suffering party has himself furnished occasion for the capture—if he has by his own conduct in some degree contributed to the loss—then he is entitled to a somewhat less degree of compensation to what is technically called simple restitution. This is the general rule of law applicable to cases of this description, and the modification to which it is subject; neither does it make any difference whether the party inflicting the injury has acted from improper motives or otherwise. If the captor has been guilty of no wilful misconduct, but has acted from error and mistake only, the suffering party is still entitled to full compensation, provided, as I before observed, he has not, by any conduct of his own, contributed to the loss." His Lordship then, after observing that the act of Captain Capel in destroying the vessel might have been a very meritorious act as regarded his own Government, and that he was not chargeable with any corrupt or malicious motives, but acted in all probability in obedience to orders, concludes his judgment in these words:—"But this will not affect the right of the American claimant, whom I must pronounce to be entitled to restitution with costs and damages; and I beg it may be understood that I

do so without meaning in the slightest degree to throw any imputation on the conduct or character of Captain Capel, but merely for the purpose of giving a due measure of restitution to the claimant." This judgment was pronounced by Sir William Scott in the month of April, 1815, almost at the very close of the war, and it is in perfect conformity with the rules laid down at its commencement, in the paper already referred to, in the year 1794. The same decision, on the same grounds, was pronounced by the same learned judge immediately afterwards, in the case of the *Rufus*. It is needless to refer to all the other cases which were cited at the bar, but there is one large class which so strongly illustrates the principle, that it may be proper to advert to it. We allude to what are called the Cape Nicola Mole cases. In the early part of the last war, a number of French and Dutch vessels and cargoes were captured by British ships, and sent in for adjudication to the Court of Admiralty of St. Domingo. Several of the ships and cargoes were condemned, and the proceeds of the captures distributed in the years 1797 and 1798. It was afterwards discovered that, although the Court of St. Domingo was properly constituted as a Civil Court of Admiralty, and His Majesty's instructions had been addressed to it as a Prize Court, yet, by mistake, no warrant had been issued to give it a prize jurisdiction against France or Holland, although there had been a prize warrant against Spain. Some time afterwards some of the owners of the captured property, having discovered this error, the effect of which was that the Court had no jurisdiction, instituted proceedings in the High Court of Admiralty, calling upon the captors to proceed to adjudication. These proceedings were instituted nearly two years after the sentence, when the property had been distributed, the crews dispersed, the papers probably lost or destroyed, and when it was scarcely probable that the truth of the cases could be made to appear on the part of the captors. In one of these cases Lord Stowell, in 1801, overruled the protest of the captors against the proceedings; and in 1804, in determining a question upon the Registrar's Report (the *Driver*, 5 Rob. 145), he speaks of it "as one of that unfortunate class of cases in which this Court has felt itself under the necessity of decreeing restitution with costs and damages." In all these cases where restitution was ordered, we believe that, on reference to the Registrar's books, it will be found that the captors were condemned in the costs of the proceedings in the Court at Cape Nicola Mole. Surely, if the absence of misconduct on the part of the captors—if honest error, occasioned by the blunders of the Government, or the consideration of hardship upon individual officers acting in discharge of their duties, could in any case afford a protection against the claims of a neutral, such pro-



tection would have been afforded by the circumstances of these cases. Yet the captors were held liable by the Court of Admiralty, and were afterwards, we understand, indemnified at the expense of the public. To apply, then, these rules to the facts of this case, it appears that the ship was captured on the ground of some supposed breach of blockade. The mate, on his examination, says :—" I did not hear of any port or place being blockaded until the 1st of June, 1854, when we were taken. When they came on board, they told us there was a blockade, and asked us if we did not know it." The master says : " I did not know of any blockade whatever. I did not hear of any blockade. It is true I heard from Sir C. Napier after the capture that I had broken the blockade; but I did not knowingly enter or leave any blockaded port, place, river, or coast. I did not hear of it except from Sir C. Napier, on the morning following the day of capture. He sent a boat for me, and I was taken on board the Admiral's ship, and he told me of it." This is all that appears upon the evidence with respect to the grounds of seizure; but the papers on board the ship distinctly showed the port from which she had sailed, and that to which she was addressed; and it may not be immaterial to observe that, although some of these documents were in languages of which English seamen might well be supposed ignorant, yet the material facts are stated in an English certificate, signed by the British Vice-Consul at Rostock. From these papers it appeared that she had sailed from Cronstadt, and was bound for Elsinore for orders. We take it for granted, therefore, that it was for a supposed breach of blockade in sailing from Cronstadt that she was seized, and this is the only ground upon which the case was rested on the argument before us. Now, in order to justify a condemnation for breach of blockade, three things must be proved,—1st. The existence of an actual blockade; 2ndly. The knowledge of the party; 3rdly. Some act of violation, either by going in or coming out with a cargo laden after the commencement of the blockade.—The *Betsy* (1 Rob., 93). The instructions to Her Majesty's commanders upon this subject for the present war are, That if any vessel shall be found coming out of any blockaded port, which she shall have entered previously in breach of such blockade, or if she shall have any goods on board laden after knowledge of the blockade, such ship and goods shall be seized and sent in for adjudication (Article X). Now, when this ship was seized, was there any reasonable ground for suspicion that she was liable to seizure under these instructions? It appeared distinctly upon her papers, as the facts upon inquiry turn out to be, that on the 25th March, 1854, before the declaration of war against Russia, this ship was on her voyage from Leith to Cronstadt; that she was on that day chartered for a voyage with a cargo of wheat from

Cronstadt to England, or countries in alliance or amity with England, according to orders which she might receive at Elsinore; that on the 10th May, the shipment of her cargo had been completed; and that by the 16th, she had complied with all the formalities required to enable her to leave Cronstadt; and that when she was taken, she was on her direct course from that port to Elsinore. Cronstadt was not blockaded at the time she entered that port, nor at the time when she took her cargo on board, nor at the time when she left Cronstadt, nor even at the time when she was captured, nor for more than three weeks afterwards, and no blockade of Cronstadt had been proclaimed, either by the British Government or by the Admiral. It is said that the Admiral had, on the 16th April, in Kioge Bay, proclaimed an intention of blockading all Russian ports, and that certain ports in the Gulf of Finland were actually blockaded on the 28th May, and, perhaps, at an earlier period, but there was not the slightest ground for suspecting that this ship had left any other port than Cronstadt, or had any intention of entering any other Russian port. What colour of reason, then, could there be for seizing, under such circumstances, this vessel, which did not fall under any one of the conditions which are required by the instructions to concur, in order to justify sending in the ship for adjudication? It is said that there was a confusion with respect to the blockades in the Baltic, and the several Gulfs of Finland, Riga, and Bothnia. But, in the first place, with respect to the port of Cronstadt, we find no trace in the evidence of any confusion or doubt as to the period when the blockade commenced, and if there had been, it was a confusion created only by the acts and in the minds of Her Majesty's officers, and could not, therefore, according to the principles which we have collected from the authorities, have afforded any answer to a neutral perfectly innocent of all fault, and not by any act or neglect of his, voluntary or involuntary, exposed to any suspicion. But it is said that although there might be no ground for suspecting this ship of breach of blockade, yet a captor is not confined to the case upon which the seizure was made, and that a vessel sent in for adjudication upon one ground may, if the facts warrant it, be subjected to condemnation on another. Of this rule there is no doubt. Whether, when a ship is sent in for adjudication as a neutral, and there appears to be no reasonable cause for having sent her in as such, a captor can excuse himself from costs and damages by alleging irregularities in her papers, which might have led, but did not in fact lead, him to doubt her neutrality, is a question which it will be time enough to consider when it arises. This question as regards non-commissioned captors is discussed, and in our opinion most properly decided by the learned judge of the

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Admiralty, in the case of the sloop *Wilhelmina* (1 Spinks, 31). In this case it is not open to doubt upon the evidence, that the *Ostsee* was in truth a neutral ship, and nothing suspicious is found on board her; but it is said that she ought to have had on board a sea-pass from the Mecklenburg Government, describing and identifying her, and that no such pass is amongst the documents produced. It is very true that no such document is found there, but unfortunately in this, as well as in other respects, there has been some irregularity on the part of the captors. By the Act 17 Vict. c. 18, it is enacted, and, by her Majesty's instructions in conformity with the Act, it is ordered (Art. II.), that the captor shall bring into Court all books, papers, passes, sea-briefs, and other documents and writings whatsoever, as shall be delivered up or found on board any captured vessels, and the captor, or one of his chief officers, or some other person who was present at the capture, and saw the said papers and writings delivered up or otherwise on board at the time of the capture, shall make oath that the said papers and writings are brought in as they were received, and taken without any fraud, addition, subduction, alteration, or embezzlement whatsoever, or otherwise shall account for the same upon oath, to the satisfaction of the Court. It is obvious that unless the papers are verified in the manner pointed out by these instructions—that is by the oath of some person who saw them taken—there can be no security that the papers brought in are all the papers on board the ship. Now in this case, neither the captor, nor any person present at the capture, nor any person who can have any personal knowledge whatever on the subject, has made the affidavit. It appears that a gentleman named Huxham, one of the officers on board of the *Duke of Wellington*, the flag-ship, was sent home in charge of this vessel, and he brings in certain papers, which he swears were all that were delivered to him by Captain Otter, with certain exceptions, which he specifies and accounts for. On the other hand, the master, Voss, in his answer to the 7th interrogatory, states that the ship had a sea-pass on board from the Mecklenburg Government, and in his answer to the 28th interrogatory he says it was on board when he took command of the ship, and previously thereto. Now when it is remembered that, from the nature of the case, Mr. Huxham's affidavit offers no contradiction to this statement, and that the supposed absence of this paper appears to have excited no remark at the time of the capture, and to have occasioned no doubt as to the ship's neutrality, it is impossible to attribute any weight to this circumstance. We will now advert to the principal cases cited for the respondents, by which it was argued that the rules which we have above stated were modified, or exceptions engrafted upon them which are sufficient to protect the captors; but

in doing so we must premise that, unless the rule itself be qualified, its stringency is not affected by the circumstance that it may not always have been applied by the judge who lays it down, to cases in which those who are bound by its authority may consider that it was applicable. The application, of course, must depend upon the opinion of the judge in each particular case. The first case relied on was the *Betsy* (Murphy, 1 Rob. 93). There an American ship was found in the harbour of Guadaloupe, at the time when the island was captured by the British forces. There were circumstances which, in the opinion of Lord Stowell, threw great doubt upon the point whether she was neutral or enemies' property, and made a seizure justifiable, for the purpose of further inquiry. The learned judge, it is true, remarks that the question, whether there was or not a blockade in existence when the ship entered the port, was one of nicety, which had only been recently decided by the Lords of Appeal, and required more legal discrimination than could be required from military persons, but he does not appear to have rested his judgment upon that ground. The next case relied on was the *Luna* (Edwards's Rep. 190), which is no doubt a strong decision; for in the case of a capture made from a neutral, under a mistaken construction by the captors of a British order in council, the learned judge not only relieved the captors from costs and damages, but gave them their expenses out of the captured property. It must be admitted that the mistake of the captors was not an unnatural one; they thought that an order in council of April 26, 1809, which declared a strict blockade "of all ports and places under the Government of France, together with the colonies, plantations, and settlements in the possession of that Government," extended to San Sebastian, in Spain, which was then, and had been for two years, in the possession of the French. The facts of the case are not stated in the report so fully as to enable us to form an accurate judgment of the degree of suspicion which might really attach to the ship. The question of expenses does not seem to have been argued, and Lord Stowell probably felt that he was going to the very verge of the law, for he declares that he will not allow the same indulgence in future cases. This judgment was pronounced in the year 1810, during the conflict between the French, Berlin, and Milan decrees on the one hand, and the retaliatory British orders in council on the other. Whatever may be thought of the particular decision, the general rule with its modifications is laid down five years afterwards, in the case of the *Actæon*, by the same learned judge in the terms which we have stated. If, however, these cases be held to establish the principle that there may be questions of so much nicety in the construction of public documents, or the determination of unsettled points of law, as to exonerate captors

from what would ordinarily be the consequence of their mistake, they will not much assist the argument of the respondents here, where no questions of law of any kind appear to have existed. The other authorities mainly relied on by the respondents do not relate to disputes between belligerents and neutrals. They are either cases in which the rights of belligerents only were involved, as where captures had been made by one belligerent from another, in ignorance that peace had been restored—or where no belligerent rights at all were involved, as in the captures of ships engaged in the slave trade. The rules laid down in these cases may have an indirect, but only an indirect, application to questions between belligerents and neutrals. The case of the *John* (2 Dods. 336), was of the former class. There, a capture of an American vessel had been made by a British cruiser in ignorance that war between Great Britain and America had ceased, and the prize having been lost by unavoidable accident, the captor was called upon for restitution. The case was one which, as the learned judge intimates, might be provided for by the treaty of peace between the two nations, and on which, as between them, there might or might not be a claim against the British Government according to its terms, and according as the British Government had or had not taken due means for giving notice of the peace to its officer, and he lays it down that the officer, being under invincible ignorance, and being in possession *bond fide*, was not responsible for the loss which had occurred. In another case of the same kind—the *Mentor* (1 Rob. 158)—Lord Stowell seems to have thought that when an act of mischief was done by the King's officers, though through ignorance, it would not necessarily follow that they would be protected from civil responsibility, but that the party injured might resort to a court of prize, and that the officer must look to his own Government for reimbursement. Whether all the doctrines laid down in these two cases are quite consistent with each other may, perhaps, admit of some doubt; but they belong, as we have already observed, to a different class of cases from that which we have to decide; and if all the doctrines found in the *John* were applied to a case between neutrals and belligerents, they would afford no protection to the captors here, where there was no invincible ignorance, where everything depended on the admiral's own acts, whether he had or had not established a blockade of Cronstadt. It was then urged that the captors, having acted *bond fide*, ought to be indemnified by Her Majesty's Government, and that there are cases in which the Court of Admiralty has either made an order against the Government, or has refused to make an order against the captor, unless the Government would undertake to indemnify him. The cases relied on for this purpose are the



*Zacheman* (5 Rob., 153), and the *St. Juan Nepomuceno* (1 Hagg., 265). In the former, the Crown, having by treaty the right of pre-emption of certain goods seized as contraband, had improperly delayed to exercise such right. In the latter, the slaves, the value of which was sought to be recovered, had been liberated by the Crown. In both these cases the Crown either had taken, or had the right to take, the property, the value of which was demanded from the captors. In neither was any order made against the Government, nor is it easy to see how any could have been made. But it is sufficient to say that in the case before us no blame of any kind appears to be imputable to the Government. They had contributed by no act or default of theirs to the capture. They had not at the time when it took place proclaimed any blockade of Cronstadt, nor done anything to mislead the naval officers in that respect. Whether, in any case where Her Majesty's naval officers may have acted wrongfully as regards neutrals, but are liable to no imputation of wilful misconduct, it may or it may not be expedient, with a view to the efficiency of the navy and the interest of the public service, to indemnify such officers at the public expense against the legal consequences of their acts, must be left to the consideration of those who are entrusted with the executive authority of the Crown. Sitting here judicially we can only administer the law as we find it between the claimants and the captors. It is then said that in this case the sending in the ship must be treated as the act of the admiral, and not of Captain Otter. When a subordinate officer does an act under the immediate order of his superior, it may well be that the superior officer should be responsible for it. The principles applicable to this subject are discussed and explained in the *Mentor*, already referred to, and the *Eleanor*, before the American courts, in 1817 (reported 2 Wheat., 357). But here we are dealing with the actual captor, who demands adjudication of the ship and cargo, and who, for all purposes of this suit, must be treated as the party responsible to the claimant. With any rights or liabilities as between Captain Otter and Sir C. Napier we have here nothing to do. It is then said that if the captors had been admitted to prove the circumstances of the capture the case might have worn a different aspect. But the principle of the prize court is that the case is, in the first instance, to be tried on evidence coming from the captured; and if, upon such evidence, no doubt arises, the property is to be restored instantly—to use the expression of Lord Mansfield, in "*Lindo v. Rodney*" (2 Doug., 614) —*velis levatis*. The liberty to enter into proof on the part of the captors is rarely granted, and is attended with great inconvenience, as is well explained by Lord Stowell, in the case of the *Haabet* (6 Rob. 54). No doubt the circumstance that the case is



decided exclusively upon evidence proceeding from the claimants is deserving of great attention, when it is sought to condemn captors in costs and damages, and makes it fit that the court should look with great jealousy at the evidence, with a view to see whether there might not be reasonable ground of seizure, before it pronounces such a decree. But we can see in the case before us nothing to excite any suspicion, or to induce us to think that, if an application for liberty to give evidence on the part of the captors had been made in proper time, it ought to have been complied with, or, if complied with, would have altered the complexion of the case. However that may be, we do not mean in any degree to affect the rules of law upon this point as they now exist. In the present case the captor was aware, before the cause came on, of the question which alone was to be discussed; if he thought his case could be bettered by further proof, and that he was entitled to give it, he should have applied for such liberty before the case was heard, and he cannot reasonably make such an application after the hearing. It is then said that there is a distinction to be made in these cases between officers of Her Majesty's navy and privateers; that the Court has a large discretion in such subjects, and ought not to press with severity upon men who are acting in the discharge of a difficult and important duty; that, for many purposes, there is a clear distinction to be made between public and private ships of war—and that there are the strongest reasons for making such distinction can admit of no doubt; but as regards the particular rule in question, that a capture without probable or reasonable cause exposes the captors to condemnation in costs and damages, we find it laid down in the text-books and the decided cases, both foreign and domestic, as applicable to captors generally, to public and private ships indifferently. In the case of the *Lively* (1 Gal. 327), Mr. Justice Story states distinctly, "Public and private ships must be governed by the same principle." Again, as to the discretion to be exercised by the Court: When the application of a rule depends on the absence or existence of misconduct in both or either of the litigants, the greater or less degree of that misconduct, the existence or absence of suspicion attaching to a particular ship or cargo, the greater or less degree of it, and the causes to which it is, in whole or in part, to be attributed; it is obvious that there must necessarily be a very large discretion left to the Judge, for scarcely any two cases can in all such respects be precisely the same. But when once, in the opinion of the Judge with whom the decision rests, a particular case is brought clearly within a particular rule, it should seem that his discretion is at an end. It is not a question merely of costs of suit, but of reparation for a wrong which, when accidental loss has afterwards

occurred, may extend to the whole value of the ship and cargo. Now, if we were at liberty to relax settled rules upon our own notions of justice and policy, are we quite prepared to say that we should do so in this instance? The law which we are to lay down cannot be confined to the British navy; the rule must be applied to captors of all nations. No country can be permitted to establish an exceptional rule in its own favour, or in favour of particular classes of its own subjects. On the law of nations, foreign decisions are entitled to the same weight as those of the country in which the tribunal sits. America has adopted almost all her principles of prize law from the decisions of English Courts; and whatever may have been the case in former times, no authorities are now cited in English Courts, in cases to which they are applicable, with greater respect than those of the distinguished jurists of France and America. Whatever is held in England to justify or excuse an officer of the British navy, will be held by the tribunals of every country, both on this and the other side of the Atlantic, to justify or excuse the captors of their own nation. By the usage of all countries, captors have a great interest in increasing the number of prizes. The temptation to send in ships for adjudication is sufficiently strong. Is it too much to say that where no ground of suspicion can be shown, and all that the captor can allege is, that he did wrong under a mistake, he should make good in temperate damages the injury which he has occasioned? Ought a captor to be permitted to say to the captured, "True, nothing suspicious appeared in your case at the time of seizure, but upon further inquiry something might have been discovered? I had a right to take my chance; you have nothing to complain of. I subjected you to no unnecessary inconvenience—go about your business, and be thankful for your escape." We cannot think that this would be deemed a satisfactory answer to a British neutral seized by a foreign belligerent. Upon the whole, therefore, after the most anxious consideration, having sought in vain for any circumstances which could afford in this case a probable cause for capture, we cannot hold the captors exempted from all responsibility, though the damage will, in all probability, prove to be but small. The amount must be referred to the registrar in the usual way, but we shall advert to some circumstances which ought to be attended to in making the computation. No complaint is made of any vexatious conduct on the part of the captors, or of any undue delay in sending home the vessel. London appears to have been one of the ports to which the charter-party provided that she might be sent. For any delay which may be attributable to the claimants themselves, the captors of course cannot be held responsible. The exact time of the ship's arrival in London does not appear. It was stated at the bar to

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have been on the 26th of June. On the 3rd July a monition was taken out, and the ship's papers were brought in; on the 6th the monition was posted up at the Royal Exchange; and on the 7th July the examination of the witnesses *in præparatorio* was completed. It seems probable that as the ship had previously traded with this country, and one of her contemplated destinations was the east coast of England, the owners, or at all events Brockelman, the part owner of the ship, and the sole owner of the cargo, had agents in this country. On the 10th July, at all events, the present claimant came forward and gave bail; but his claims were not consistent with the fact, for he alleged Brockelman to be the sole owner, both of the ship and cargo, omitting the other part owners of the ship, and no affidavit accompanied the claim. An amended claim and affidavit were afterwards brought in, but not till the 31st July. On the 2nd August an offer was made by the captors to restore on payment of their expenses, and no answer was returned to this till the 10th, when the claimants rejected it, expressing their hope of obtaining 2,000*l.* for damages. On the 19th August the case was heard, and restitution took place. We think that three weeks at least of the delay in this case must be imputed to the claimants, and that in respect of this period no damage or demurrage must be allowed to the ship or cargo. We shall recommend that the claimants have their costs in the court below, but that no costs should be given of this appeal. We have thought it fit to enter so fully into the grounds of our decision, not only on account of the great importance of the general principles which have been brought into discussion, but out of the deference which we must always feel for any opinion of the learned Judge from whom we are compelled to differ, and to whose deliberate judgment, if it were consistent with our duty to do, we should willingly surrender our own. But this case seems to have passed without much discussion in the court below—certainly without that full examination of the principles and the authorities, both in this and foreign countries, for which we are indebted to the able arguments addressed to us from the bar. The cases in which during the late war, restitution was attended with costs and damages, turn out upon inquiry to be more numerous than was supposed. We have been guided to the conclusion at which we have arrived by what we consider to be established principles. They appear to us to be founded both in justice and convenience, reconciling as far as possible (what it is very difficult to reconcile) the conflicting rights of belligerents and neutrals. We have adopted them, however, not upon any views of our own, but because we consider them to have been recognised and acted upon by the general consent of nations.—Judgment accordingly.

CHARTER-PARTY is an instrument whereby the owner of the

vessel, or, in his absence and in a foreign Port, the Captain, hires his ship wholly, or in part, to another person for a certain sum of money, and under certain conditions. We have added to the Precedents in the Appendix, a Charter-party for the general information as to conditions frequently introduced therein. It is extremely difficult to give any decision on disputes accruing from particular Charter-parties, without having the same before us. We think the reader cannot do better than refer to *Holt, Steel, and Abbot* on this head.

CONVOY is a sailing under the protection of a ship, or man-of-war, or fleet, from one Port to another, such being sanctioned by the commanding officer of the protectionary squadron. In the late wars this was specially inserted in the policies of insurance, and a nonconformity with this would vitiate the policy.

In many cases Convoy has been specially mentioned in Treaties, and more particularly in the following :

1795	Between the United States and Prussia.
1800	„ Denmark and Russia.
1800	„ Prussia and Russia.
1800	„ Russia and Sweden.
1801	„ Great Britain and Russia.
1818	„ Denmark and Russia.

CONTRABAND OF WAR.—It is a very difficult question to decide what may or may not be contraband of war. The most learned writers on the subject state, that all ammunition or munition of war, as powder, and the ingredients thereof; that cannons, mortars, etc., used for actual warfare; also steam machinery, which may be used for the fitting out of steam vessels of war, as well as the particles thereof, tar, pitch, and all other inflammable articles, in fact, anything that can in actual warfare be used in the prosecution of the war.

As regards provisions, it has been always a doubtful question whether they can be considered contraband of war or not. It is true that they may afford the very sinew to the enemy wherewith to prosecute the war, but, at the same time, may on the other hand only be conveying sustenance to a part of the inhabitants of the belligerent state, who are not actual participators in the war. Under these circumstances we must incline to the opinion of *Grotius*, that provisions can only be considered contraband of war when they may be used to prevent a famishing garrison either yielding to an enemy, or on the eve of making peace. “*In tertio illo genere usus ancipitis, distinguendus erit belli status. Nam si tueri me non possum nisi quæ mittuntur intercipiam, necessitas, ut alibi exposuimus, jus dabit, sed sub onere restitutionis, nisi causa alia accedat. Quod si juris mei executionem rerum*

subvectio impedierit, idque scire potuerit qui advexit, ut si oppidum obsessum tenebam, si portus clausos, et jam deditio aut pax exspectabatur, tenebitur ille mihi de damno culpa dato, ut qui debitorem carceri exemit, aut fugam ejus in meam fraudem instruxit: et ad damni dati modum res quoque ejus capi, et dominium earum debiti consequendi causa quæri poterit. Si damnum nondum dederit sed dare voluerit, jus erit rerum retentione eum cogere ut de futuro caveat obsidibus, pignoribus, aut alio modo. Quod si præterea evidentissima sit hostis mei in me injustitia, et ille eum in bello iniquissimo confirmet, jam non tantum civiliter tenebitur de damno, sed et criminaliter, ut is qui judici imminenti reum manifestum eximit; atque eo nomine licebit in eum statuere quod delicto convenit, secundum ea quæ de pœnis diximus; quare intra eum modum etiam spoliari poterit.”—*Grotius*, Lib. III. cap. 1. s. 3.

In many cases, stipulations as to what was to be denominated contraband of war have been inserted in Treaties: such, however, only refer in most cases to munitions of war. The following are those ratified, containing articles on this head:

1656	Between Sweden and Great Britain.
1661	„ „ „ „
1662	„ Denmark and France.
1667	„ Great Britain and Spain.
1669	„ „ „ Denmark.
1686	„ „ „ Algiers.
1711	„ „ „ France.
1739	„ France and Holland.
1742	„ „ „ Denmark.
1751	„ Great Britain and Tripoli.
1766	„ „ „ Russia.
1778	„ France and the United States.
1780	„ Denmark and Great Britain.
• 1786	„ France and Great Britain.
1787	„ „ „ Russia.
1794	„ the United States and Great Britain.
1798	„ Portugal and Russia.
1800	„ Denmark and Russia.
1801	„ Great Britain, Russia, and Denmark.
1803	„ France and the United States.
1810	„ Great Britain and Portugal.
1818	„ Denmark and Prussia.
1826	„ France and Brazil.
1827	„ Brazil and Denmark.
1827	„ „ „ Great Britain.

Since the invention of steam applied as a naval resource, many things before not deemed contraband now fall under this head; such as boiler plates, component parts of steam engines, etc. As regards fuel, we must refer to the former quotation from *Grotius*.

**COLOURS AND SALUTES.**—The following are the latest regulations on the subject:

*Distinguishing Flags.*—The Lord High Admiral's flag is to be worn on board any of Her Majesty's ships or vessels, in which the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, shall embark.

The flag of the Lord Lieutenant of Ireland is to be worn on board any of Her Majesty's ships or vessels, in which his Excellency shall embark within the Irish waters, or in St. George's Channel.

The Union flag is to be worn by the Admiral of the Fleet, at the main-top-gallant-mast-head, as his proper flag.

A plain red flag is to be worn by Admirals, Vice-Admirals, and Rear-Admirals of the Red, at the main, fore, or mizen top-gallant-mast-heads, respectively, as their proper flag.

A white flag, with a red St. George's cross in it, is to be worn by Admirals, Vice-Admirals, and Rear-Admirals of the White, at the main, fore, or mizen top-gallant-mast-heads, respectively, as their proper flag.

A plain blue flag is to be worn by Admirals, Vice-Admirals, and Rear-Admirals of the Blue, at the main, fore, or mizen top-gallant-mast-heads, respectively, as their proper flag.

Flag-officers and Captains of the Royal Navy are forbidden to carry any other flag or pendant than that which belongs to their proper rank, except when Her Majesty or any of the Royal Family, or the Lord Lieutenant of Ireland, may be on board, or unless they shall be directed to do so by the Admiralty, or by a superior officer.

When two Flag-officers, carrying the same flag at the same mast-head, shall serve together, the Commander-in-Chief may order either of them to carry temporarily such other flag as he shall think fit, to prevent the confusion which might otherwise be occasioned.

When Flag-officers shall think fit to carry their flag at the head of their boats, or in their tenders, their ranks are to be distinguished as follow, viz.:

The Admiral of the Fleet, and the Admirals of the Red, White, and Blue, are to carry their proper flag; the Vice-Admirals of the Red and Blue are to carry one white ball; and the Vice-Admirals of the White, one blue ball, in their respective flags. Rear-Admirals of the Red and Blue to carry two white balls; and Rear-Admirals of the White, two blue balls in their respective flags. The balls are to be large enough

to be easily distinguished, and are to be in the upper part of the flag, and near the staff.

*Distinguishing Pendants.*—A plain red broad pendant, or a white broad pendant, with a red cross in it, is to be worn by Commodores of the first class; but when more than one such Commodore shall be present, the senior only shall wear the red pendant, and the other or others the white pendant.

A blue broad pendant is to be worn by Commodores of the second class.

All Her Majesty's ships and vessels in commission, when not distinguished by a flag or broad pendant, are to wear a long pendant, having a St. George's cross in a white field in the upper part next to the mast, with a fly, red, white, and blue, or with a fly entirely of the colour of the ensign.

*Colours not Naval.*—All ships and vessels belonging to Her Majesty's subjects shall wear a red ensign, with the union in the upper canton next to the staff, and shall use a British union jack, with a border of white of one-fifth of the jack, as a pilot-flag, in all parts of the world; except such yachts or other vessels as may have warrants from the Admiralty to display other ensigns, colours, or pendants.

Ships having letters-of-marque or reprisal may carry the said red ensign, and a small red flag with a union described in a canton at the upper corner thereof, next to the staff, as a jack.

Revenue cruisers shall wear the said red ensign with a regal crown described in the centre thereof, and a red pendant, with the said crown at the upper part next to the mast.

Ships or vessels employed in the service of any public office shall carry the same ensigns and jacks as ships having letters-of-marque, except that in the centre of such ensign or jack there shall be described the seal or badge of the office to which they belong; and troop-ships, when in charge of a commissioned officer, shall wear in addition a red pendant, with the Admiralty badge at the upper part, next to the mast.

With the foregoing exceptions, the flags, pendants, and jacks appointed to be worn by the ships and vessels of the Royal Navy, shall not be hoisted or worn on board any other ships or vessels whatsoever; nor shall the masters of such other ships and vessels hoist or wear any flags, ensigns, pendants, or jacks made in imitation of or resembling those appointed to be worn by ships and vessels of the Royal Navy (excepting as hereinbefore directed), nor any kind of pendant whatsoever, nor what may be taken for such: and if they shall offend herein, and shall presume to hoist or wear any flags resembling those worn by Her Majesty's ships, or any other colours



than those hereinbefore specified, or any kind of pendant whatsoever, it is Her Majesty's pleasure that the Captains, or any other officers of Her Majesty's ships of war, who shall see them, do seize such colours, flags, or pendants, and report the name of the master, and of the ship or vessel, the place to which she belongs, and of the merchant who is owner of her, to the Secretary of the Admiralty; transmitting also affidavits of two witnesses to the fact, in order that the person so offending may be proceeded against according to law.

The Captains and Commanders of Her Majesty's ships shall not suffer any foreign ship to ride in Her Majesty's ports or roads with false colours; but if any foreign ship shall persist in carrying them, they are to send an account thereof to the Secretary of the Admiralty.

*Salutes and Flags.*—All Royal salutes are to consist of twenty-one guns. Whenever the King or Queen shall arrive at any place in the British dominions, where there is a fort or battery from which salutes are usually fired, a Royal salute shall be fired therefrom, and from all ships of war present; and similar salutes shall be fired upon His or Her Majesty's final departure.

Whenever the King or the Queen shall go on board any ship of war, the Royal standard shall be hoisted at the main-top-gallant-mast-head, the flag of the Lord High Admiral at the fore-top-gallant-mast-head, and the union jack at the mizen-top-gallant-mast-head of such ship, or, if on board of a smaller vessel, in the most conspicuous parts of her; and a Royal salute shall be fired from such ship on His or Her Majesty's going on board, and again on leaving her; and every ship of war present shall fire a Royal salute on the hoisting of those flags, and again on His or Her Majesty quitting the ship.

Whenever the King or Queen shall be embarked in any ship at sea, and the before-mentioned flags shall be hoisted in her, every ship of war meeting her shall fire a Royal salute.

Whenever any ship or other vessel, in which the flags before-mentioned are flying, shall pass any fort or other place, a Royal salute is to be fired therefrom; but whenever any ship passes, bearing the Royal Standard only, (without the other flags,) such fort or place is not to salute.

Whenever any member of the Royal family shall go on board any of Her Majesty's ships, the Royal Standard shall be hoisted at the main-top-gallant-mast-head, and a Royal salute shall be fired from her, on such member of the Royal family going on board, and again upon leaving her.

Whenever any member of the Royal family shall be embarked in any ship at sea, and the Royal Standard shall be hoisted in her, every ship of war meeting her shall fire a Royal salute.



The Royal Standard does not return salutes, and no other flag is to be saluted in presence of the Royal Standard.

Whenever any foreign crowned head, sovereign prince or his consort, or president of a republican state, shall arrive at or quit any place in Her Majesty's dominions, they shall receive a Royal Salute on their first arrival and final departure from such place, from all Her Majesty's ships present; and upon their going on board and leaving any of the said ships a similar salute shall be fired, and on each occasion during the salute the senior officer's ship shall display at her mast-head the flag of such foreign nation.

Whenever any prince, member of a foreign Royal family, shall arrive at any of our ports, or visit any of Her Majesty's ships, the same salutes shall be fired and compliments be paid to them as to the members of the Royal family of England, displaying the flag of the nation of such foreign prince in lieu of the Royal Standard.

Whenever such visits to Her Majesty's ships shall take place in a foreign port, corresponding salutes shall be fired, and the flag of the nation of the Royal visitors shall be hoisted.

Upon the occasion of the celebration of the birth-day of the King or the Queen of a foreign nation, or any other important festivals, by any ships of war or batteries of such nation, Her Majesty's ships present may fire such salutes in compliment thereto as the senior officer of Her Majesty's ships may direct, not however exceeding twenty-one guns, and the flag of such nation shall be displayed on these occasions at a mast-head of the senior officer's ship.

The fixed days for firing salutes in celebration of anniversaries shall be as follow; viz.—

The anniversaries of the birth, the accession, and the coronation of the reigning sovereign; birth-day of the consort of the reigning sovereign; on which days a Royal salute shall be fired at noon from all the forts and batteries from which salutes are usually fired, and by Her Majesty's ships, at 1 o'clock.

The Lord Lieutenant of Ireland shall be entitled to receive from the forts and batteries within his vice-royalty a Royal salute; and on being fallen in with afloat, within three leagues of the coast of Ireland, the vessel in which he is embarked having the Irish Standard flying, or on his Excellency's visiting any of Her Majesty's ships within the said limit, he is to be saluted with a Royal salute.

*Diplomatic Salutes.*

	GUNS.
Ambassador Extraordinary and Plenipotentiary . . . .	19
Envoy Extraordinary and Minister Plenipotentiary . . . .	15
Diplomatic authorities below the rank of Envoy Extraordinary and Minister Plenipotentiary, and above that of <i>Chargé d'Affaires</i> . .	13

	GUNS.
Chargé d'Affaires or subordinate diplomatic agents left in charge of missions . . . . .	11
Consuls-General, or British Factories . . . . .	9
Consuls . . . . .	7

*Salutes to Military Authorities.*

The Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, or the Commander-in-Chief, or the officer commanding-in-chief the whole army of the United Kingdom . . . . .	19
The first Lord Commissioner of the Admiralty . . . . .	15
The Master-General of the Ordnance . . . . .	15

*Salutes to Officers.*

Field Marshals and Admirals of the Fleet . . . . .	17
Admirals in general . . . . .	15
Lieutenant-Generals, or Vice-Admirals . . . . .	13
Rear-Admirals, or Major-Generals . . . . .	13
Brigadier-Generals, or Commodores of the first class . . . . .	9
Return salutes to Commodores of the second class, Captains of the Navy, and officers of inferior rank . . . . .	7

*Note.*—While any of the officers mentioned in this section hold commissions as Commanders-in-Chief, or Commanders of the forces of a station, they shall be entitled to be saluted with two more guns than are specified in the above scale against their respective ranks.

*Salutes to Governors, etc.*

The Governor-general of India (within the Indian Seas) . . . . .	19
The Lord Warden of the Cinque Ports . . . . .	19
The Governor of Madras or Bombay, (within the Indian Seas,) Governor of Her Majesty's colonies, foreign possessions, castles or fortresses, within the precincts of their Governments . . . . .	17
Lieutenant-Governor of Her Majesty's colonies, foreign possessions, castles or fortresses, within the precincts of the said Governments, (if administering Government) . . . . .	13

All salutes from ships of war of other nations, either to Her Majesty's forts or ships, are to be returned gun for gun, but no salutes shall be given to such ships of war by Her Majesty's ships without an assurance that such salutes will be returned.

Her Majesty's ships or vessels are not, on any account, to lower their top-gallant-sails, nor their flags, to any foreign ship or vessel whatsoever, unless the foreign ships or vessels shall first, or at the same time, lower their top-gallant-sails or their flags to them.

If any of Her Majesty's subjects shall so far forget their duty as to

attempt to pass any of Her Majesty's ships without striking their top-sails, the names of the ship and the master, the port to which they belong, the place from which they came, and that to which they are bound, together with affidavits of the fact, are to be sent to the Secretary of the Admiralty, in order to their being proceeded against in the Admiralty Court.

DEMURRAGE is a clause inserted in a charter-party, to the effect that after certain days have been stipulated for the discharge or loading of a cargo, a given amount per diem shall be paid for a certain number of days for the detention of the ship, after the expiration of which the owners have a right against the charterers for further damages. In respect by whose fault such detention is occasioned, it has been determined that accidental circumstances, over which the master has no control, such as detention in the docks, etc., would constitute demurrage, for *Abbot* says:—"When the time is expressly stipulated and ascertained by the terms of the contract, the merchant shall be liable to an action for damage, if the thing be not done within the time, although this may not be attributed to any fault or omission on his part, for he has engaged that it shall be done."

We had a case in the north of Ireland in which four vessels had clauses in their charter-parties to the effect that they should enter a port of discharge *fully laden, and remain floating at the lowest state of the tide*. Having proceeded to the entrance of the port to which they were ordered, the captains found that they could not do so, and refused to go any further. The argument the merchants used was, that for years vessels had discharged part of their cargoes into lighters at the entrance of the port, and come up partly laden, and therefore *they* could come up. The captains said they would do so, if the consignees would guarantee that their vessels would sustain no damage thereby; this the merchants declined to do, and the captains gave notice they would sail away to another port and discharge their cargoes, for account of whom it might concern. Rather than allow them to do this, the merchants agreed to place the arbitration in our hands, to which the captains gave their acquiescence. Thinking that the captains, by the strict stipulations of the charter-party, were in the right, although we were quite aware that the case, perhaps, might be decided otherwise before an Irish jury, from the fact of the custom of the harbour having established the habit of partly discharging at the entrance of the port; still we decided the case in favour of the captains, and the consignees had to pay demurrage for the detention of the vessels, and guaranteed them from all damage in going up the river to the port. This is only adduced to show how careful parties should be, in the insertion of phrases in charter-parties, from which demurrage may accrue.

**DEVIATION OF VOYAGE** is the proceeding to another port, or even calling at other ports out of the line of voyage, not specified in the policy of insurance or charter-party, unless such deviation is necessary for the safety of the vessel and cargo; and even this may discharge the underwriters from their liability: as regards a direct deviation from the voyage, it nearly amounts to barratry (*vide* BARRATRY). In cases where, in a deviation from the voyage, the merchandise is injured from any cause, the owners have a right for damages against the proprietors of the vessel, and may recover accordingly; for they covenanted that their goods should be conveyed from such a port to another, and therefore most probably having insured them for the voyage agreed on, the captain's deviating from it would vitiate the policy of insurance, and the owners of the cargo would have, in justice, a claim against the captain, and he, being the agent of the proprietors, would also have a claim against them.

**DESERTERS FROM VESSELS.**—(*Vide* Consular Instructions, page 69, and Foreign Deserters' Act, etc., Section VII.) Reciprocal engagements for the apprehension of deserters were also entered into by Treaties of 1810 and 1827 with Portugal and Brazil, and in 1734, 1766, and 1797, with Russia.

**FREIGHT** is an amount stipulated for the hire or part hire of a vessel, and which is generally not considered to be due until the performance of the voyage, unless it is expressly stipulated to the contrary, although the master may insist, in most cases, upon the freight being paid before delivery of the goods. In the case of goods contained in casks, etc., which may have leaked to a great extent, and for which the master had signed bills of lading to the effect that they were shipped in good condition, the owner may abandon the goods for the freight if he thinks proper. It seems hard, under some circumstances, that the law of England has adopted it as a general rule, that goods swelling on the voyage, such as grain, etc., should only be liable to pay freight according to the quantity shipped. This, however, on further consideration, seems but just; as corn, by being damp, may easily increase in bulk, and if such a doctrine were countenanced, it would be the means of inducing some unprincipled masters to get their cargo heated and damp, for the express purpose of increasing the bulk; as where a certain quantity is stipulated as shipped in the bill of lading, it is just to conclude that it was his duty to see the quantity stated was correct. In the case of neutral vessels conveying the enemies' property, and such being seized, the captor must pay the whole freight, for as *Abbot* justly observes, he then represents the enemy, by possessing himself of the goods *jure belli*, and he prevents the completion of the voyage, whereby the freight might have been earned.

In cases where a neutral property is seized, conveyed on enemies' ships, and the captor conveys such goods to the port of her destination, he can claim the freight from the owners of the property on condition of his having fulfilled the stipulations of the contract. In the event of a vessel conveying the goods, becoming so injured as to be unable to carry the same to their destination, the master is justified in forwarding the goods to their destination in another ship, and claiming, on their delivery, the freight; but if the master is unable to do so, he cannot claim part freight or any freight at all, unless the merchant voluntarily takes possession of the goods without protest, and thereby tacitly acknowledges that the contract has been fulfilled. It may be as well to state, that no passage money can be claimed for children born during the voyage.

**HIGH SEAS.\***—Offences on high seas in cases of smuggling are to be taken as committed in places where the offenders are brought to trial. 8 & 9 Vict., c. 87, s. 95.

**ILLEGAL VOYAGES** are when a vessel has been insured, and by trading with an enemy without the Queen's licence, the policy of the insurance becomes vitiated thereby. Barratry may be taken as a kind of illegal voyage.

**GOD, THE ACT OF**, is a clause inserted in charter-parties and in bills of lading, that the goods shall be delivered, the act of God, etc., excepted; which signifies natural accidents, such as earthquakes, lightnings, storms, or tempests, etc.

**INSURANCE, MARINE.**—Insurance is effected by giving a certain sum for a given risk; in consideration of which, the insurance companies or underwriters contract to pay the whole amount of the articles insured if they should be lost, or a certain contribution, should the loss be a subject-matter for general or particular average. The insurance is either taken by Lloyd's or an insurance company. There are matters which are not legal subjects of insurance—such as seamen's wages, money lent to the captain out of the freight, goods intended to be made the subject of illegal commerce. Although only part of the goods insured may be illegal, still the whole policy is vitiated thereby.

As regards the risk generally undertaken, space will not permit us to enter more fully on the subject, except by adding in Section VI. a form of a policy of insurance generally used. *Sterch, Abbot, Lees, and Holt*, have written very largely on the subject, and to them we beg to refer the reader.

**LIEN.**—It has been decided that no shipwright has a lien upon a vessel for the repairs, etc., done to the vessel, when he parts with the

\* *Vide* Consular Instructions.

possession of the vessel, and can only recover the same from the owners in an action for debt, as he in this case, as well as tradesmen, who have no lien upon the ship, are supposed to have given the credit for the requisites required for the vessel to the owner.

In maritime lien the persons who have a claim in the Admiralty Court in *Rem*, and can compel reimbursement, consist of those who have rendered services to the ship by their labour, as mariners, by pilotage, towage, salvage, and by the loan of money as bottomry for repairs. The wages of seamen have the first claim upon a vessel, as they constitute the power by which the vessel is brought to port; and then come salvage, pilotage, towage, or bottomry. Bottomry, however, has a precedence over prior salvage, although it gives way to subsequent salvage. *Sir John Nichol*, speaking of lien, says:—“Subjects which operate for the protection of prior interests are privileged over those interests.”

MANIFEST is a correct list, containing the marks, description, and number of packages of the goods shipped by the vessel, certified by the master before the Collector of Customs, Consul, or Ship Broker, or by the Shipping Agent. (For form of Manifest, *vide* Consular Forms, Section VI.)

MARRIAGE can be solemnised abroad before an Ambassador or Consul. (*Vide* Section II., Act for the Solemnization of Marriages Abroad.)

MEDICINES.—The following is the Scale issued by the Board of Trade, in pursuance of the Section 224, of the 17 & 18 Vict. c. 104.

SCALE of MEDICINES and MEDICAL STORES suitable to Accidents and Diseases arising on SEA VOYAGES, to be kept on board BRITISH MERCHANT SHIPS navigating between the United Kingdom and any place out of the same, on and after the 1st day of January, 1856.

Issued by the Board of Trade, in pursuance of 17 & 18 Vict., c. 104, sect. 224.

NAMES OF MEDICINES, MEDICAMENTS, ETC.	PROPORTIONS FOR SHIPS CARRYING THE UNDERMENTIONED NUMBER OF MEN AND BOYS.		
	Column 1.	Column 2.	Column 3.
	Ten and under.	From Eleven to Twenty inclusive.	Twenty-one and upwards.
Castor oil . . . . .	1 lb.	2 lb.	3 lb.
Epsom salts . . . . .	3 „	6 „	12 „
Calomel . . . . .	...	1 oz.	2 oz.
Powder of jalap . . . . .	...	1 „	2 „
Ditto rhubarb . . . . .	1 oz.	2 „	3 „
Cream of tartar . . . . .	2 „	4 „	8 „

NAMES OF MEDICINES, MEDICAMENTS, &c.	PROPORTIONS FOR SHIPS CARRYING THE UNDERMENTIONED NUMBER OF MEN AND BOYS.		
	Column 1. Ten and under.	Column 2. From Eleven to Twenty inclusive.	Column 3. Twenty-one and upwards.
Sulphur (sublimed)	4 oz.	6 oz.	8 oz.
Alum	1 "	2 "	3 "
Powdered ginger	1 "	2 "	3 "
Sulphate of quinine	1 "	1 "	2 "
Ditto ditto, in vessels trading to the East or West Coast of Africa; to the Coasts of China and Borneo	1 "	2 "	4 "
Balsam of copaiba	4 "	8 "	12 "
Carbonate of magnesia	2 "	3 "	4 "
Olive oil	...	8 "	12 "
Spirit of turpentine	2 "	4 "	6 "
Laudanum	2 "	4 "	8 "
Bicarbonate of soda	...	12 "	16 "
Tartaric acid (powdered)	...	8 "	12 "
Goulard's extract	1 "	2 "	4 "
Compound chalk powder (in a stoppered bottle)	1 "	2 "	3 "
Dover's powder	1 "	2 "	3 "
Essence of peppermint, each ounce to contain 1 dram of the oil	1 "	2 "	3 "
Purging pills, each to contain of the compound extract of colocynth 4 grains, and calomel 1 grain	3 doz.	6 doz.	8 doz.
Ditto powders, each to contain of calomel 2 grains, and compound powder of jalap 1 dram	1 "	2 "	3 "
Opium pills, each to contain of opium 1 grain, and Castile soap 4 grains	1 "	2 "	3 "
Emetic powders, each to contain, ipecacuanha 1 scruple, and emetic tartar 2 grains	1 "	2 "	3 "
Blue pills, 5 grains each	2 "	3 "	4 "
Powders, sudorific, 10 grains of nitre, 10 grains of cream of tartar, and 5 grains of Dover's powder	1 "	2 "	3 "
Simple ointment	6 oz.	12 oz.	16 oz.
Mercurial ditto	2 "	4 "	8 "
Banlicon ditto	3 "	6 "	10 "
Blistering plaister	2 "	4 "	8 "
Adhesive plaister (in tin case)	1 yard	2 yds.	3 yds.
Disinfecting fluid (Burnet's solution)	14 pints	28 pints	56 pints
Tincture of rhubarb	4 oz.	10 oz.	12 oz.
Opodeldoo	3 "	6 "	10 "
Paregoric	4 "	6 "	8 "
THE FOLLOWING IN ADDITION IN ALL VESSELS CARRYING A SURGEON, WITH 50 OR MORE PERSONS ON BOARD.			
Nitric ether	...	...	2 oz.
Acetate of lead	...	...	2 "

NAMES OF MEDICINES, MEDICAMENTS, ETC.	PROPORTIONS FOR SHIPS CARRYING THE UNDERMENTIONED NUMBER OF MEN AND BOYS.		
	Column 1. — Ten and under.	Column 2. — From Eleven to Twenty inclusive.	Column 3. — Twenty-one and upwards.
Croton oil . . . . .	...	...	2 drms.
Camphor . . . . .	...	...	1 oz.
Tartar emetic . . . . .	...	...	$\frac{1}{2}$ "
Hydriodate of potass (iodide of potassium) . . . . .	...	...	2 "
Ergot of rye . . . . .	...	...	2 "
Tincture of digitalis . . . . .	...	...	2 "
Powder of ipecacuanha . . . . .	...	...	1 "
Sulphate of zinc . . . . .	...	...	1 "
Lunar caustic . . . . .	...	...	1 "
Muriate of morphia . . . . .	...	...	1 drm.
Watery extract of aloes . . . . .	...	...	1 oz.
Blue pill . . . . .	...	...	1 "
Aromatic confection, in powder . . . . .	...	...	2 "
Prepared chalk . . . . .	...	...	$\frac{1}{2}$ lb.
SCALE OF MEDICAL STORES AND NECESSARIES.			
Arrowroot . . . . .	1 lb.	2 lb.	4 lb.
Pearl barley . . . . .	2 "	4 "	8 "
Rice . . . . .	4 "	8 "	12 "
Lint . . . . .	$\frac{1}{2}$ "	$\frac{1}{2}$ "	$\frac{3}{4}$ "
Sponges . . . . .	1 oz.	1 $\frac{1}{2}$ oz.	2 oz.
Scales and weights . . . . .	1 set	1 set	1 set
Graduated drop measure . . . . .	...	1 No.	1 No.
Scissors . . . . .	...	1 pair	1 pair
Syringes . . . . .	2 No.	2 No.	2 No.
Lancets . . . . .	2 "	2 "	2 "
Bandages of different sizes . . . . .	...	6 "	6 "
Calico . . . . .	3 yds.	4 yds.	6 yds.
Flannel . . . . .	2 "	3 "	6 "
Needles, pins, and thread . . . . .	...	1 paper	1 paper
Splints, common . . . . .	1 set	1 set	1 set
Trusses, single, 36 inches in girth . . . . .	1 No.	1 No.	1 No.
Pestle and mortar . . . . .	1 "	1 "	1 "
Enema syringe, with printed directions for use . . . . .	1 "	1 "	1 "
Tile . . . . .	...	1 "	1 "
Funnel . . . . .	...	1 "	1 "
Pewter cup, small . . . . .	...	1 "	1 "
Teaspoons, pewter . . . . .	...	1 "	1 "
Spatula . . . . .	...	1 "	1 "
Bougies . . . . .	1 set	1 set	1 set
Tape . . . . .	1 piece	1 piece	1 piece
Catheter . . . . .	1 No.	1 No.	1 No.

*Note 1.*—Section 224 of the "Merchant Shipping Act, 1854," contains the following provisions, viz.:—"The following Rules shall be observed with respect to medicines, medical stores, and anti-scorbutics; that is say:



(1.) The Board of Trade shall from time to time issue and cause to be published a scale of medicines and medical stores suitable to accidents and diseases arising on sea voyages. (2.) The owner of every ship navigating between the United Kingdom and any place out of the same shall provide, and cause to be constantly kept on board such ship, a supply of such medicines and medical stores in accordance with the said scale. And if, in any such ship as aforesaid, such medicines, medical stores, lime or lemon juice, or other articles, sugar and vinegar, as are hereinbefore required, are not provided and kept on board, as hereinbefore required, the master or owner shall incur a penalty not exceeding twenty pounds; and if the master of any such ship, as aforesaid, neglects to serve out the lime or lemon juice, or other articles, sugar or vinegar, in the case and manner hereinbefore directed, he shall for each such offence incur a penalty not exceeding five pounds; and if any master is convicted in either of the last-mentioned penalties, and it appears that the offence is owing to the act or default of the owner, such master may recover the amount of such penalty, and the costs incurred by him, from the owner.

*Note 2.*—In ships employed trading solely between places in Europe, or between places on the shores of the North Atlantic or Mediterranean, and in ships employed in the Greenland or Baffin's Bay trade, or in any of the Northern Fisheries, the proportion of the various articles above mentioned need not exceed the proportions mentioned in the second of the above columns, notwithstanding that the number of men and boys may exceed twenty.

*Note 3.*—Passenger Ships which are certified under the 44th section of the "Passengers' Act, 1855," to be duly supplied with medicines, need not be also provided with medicines or other articles according to the above scale.

MUSTER-ROLL is an account of the ship's company, stating their wages, engagement, etc. (for Form, *vide* Section VI.)

NEUTRALS.—As regards the rights of Neutrals in war, we are happy to be able to testify that Great Britain has, with very few exceptions, laid aside the barbarous practice of seizing all enemies' property; and with her ally, France, has adopted that most equitable law, that free ships make free goods. By Order in Council (annexed), it will be perceived that Her Majesty, on the 19th April, 1854, was graciously pleased to declare, that she will waive the right of seizing enemies' property laden on neutral ships, unless it be contraband of war (*vide* Contraband of War), and that it is not her Majesty's intention to claim the confiscation of neutral property laden on board enemies' ships. This, having become an international law, will be adopted in all subsequent warfare; and it is unnecessary for us to quote the arguments of the learned writers, *Grotius*, *Puffendorf*, *Vattel*, *Bynkershoek*, and many others on the subject.

By Order in Council, of the 15th April, 1854, the British Government allow all vessels, being neutral or friendly property, to import into any Port in Her Majesty's Dominions all goods not being contraband of war; and that all such vessels (except British) might trade with the enemies' ports, except they are in a state of blockade.

Such liberal and just principles clearly define the duties and rights

of neutrals, and any infringement of such a liberal policy must necessarily be proceeded against with the utmost rigour.

The treaties in which the rights of neutrals have been specially mentioned, are the following :

1655, 1677, 1713, and 1786, between Great Britain and France.			
1669 and 1780	. . . . .	„ „ „	Denmark.
1667	. . . . .	„ „ „	Spain.
1713	. . . . .	„ „ „	the Netherlands.
1810	. . . . .	„ „ „	Portugal.
1734 and 1766	. . . . .	„ „ „	Russia.

ORDERS IN COUNCIL REFERRED TO.—At the Court at Windsor, the 19th day of April, 1854. *Present* :—The Queen's Most Excellent Majesty in Council.

Whereas Her Majesty was graciously pleased, on the 28th day of March last, to issue Her Royal Declaration in the following terms :

“ Her Majesty the Queen of the United Kingdom of Great Britain and Ireland having been compelled to take up arms in support of an ally, is desirous of rendering the war as little onerous as possible to the Powers with whom she remains at peace.

“ To preserve the commerce of neutrals from all unnecessary obstruction.

“ Her Majesty is willing for the present to waive a part of the belligerent rights appertaining to her by the laws of nations.

“ It is impossible for Her Majesty to forego the exercise of Her right of seizing articles contraband of war, and of preventing neutrals from bearing the enemy's despatches, and she must maintain the right of a belligerent to prevent neutrals from breaking any effective blockade which may be established with an adequate force against the enemy's forts, harbours, or coasts.

“ But Her Majesty will waive the right of seizing enemy's property laden on board a neutral vessel, unless it be contraband of war.

“ It is not Her Majesty's intention to claim the confiscation of neutral property, not being contraband of war, found on board enemy's ships, and Her Majesty further declares that, being anxious to lessen as much as possible the evils of war, and to restrict its operations to the regularly organized forces of the country, it is not Her present intention to issue letters of marque for commissioning privateers.”

Now it is this day ordered, by and with the advice of Her Privy Council, that all vessels under a neutral or friendly flag, being neutral or friendly property, shall be permitted to import into any port or place in Her Majesty's dominions all goods and merchandize what-

soever, to whomsoever the same may belong, and to export from any port or place in Her Majesty's dominions to any port not blockaded, any cargo or goods, not being contraband of war, or not requiring a special permission, to whomsoever the same belong: and Her Majesty is further pleased, by and with the advice of Her Privy Council, to order, and it is hereby further ordered, that, save and except only as aforesaid, all the subjects of Her Majesty, and the subjects or citizens of any neutral or friendly State, shall and may, during and notwithstanding the present hostilities with Russia, freely trade with all ports and places, wheresoever situate, which shall not be in a state of blockade, save and except that no British vessel shall, under any circumstances whatsoever, either under or by virtue of this Order, or otherwise, be permitted or empowered to enter or communicate with any port or place which shall belong to or be in the possession or occupation of Her Majesty's enemies.

And the Right Honourable the Lords Commissioners of Her Majesty's Treasury, the Lords Commissioners of the Admiralty, and the Lord Warden of the Cinque Ports, are to give the necessary directions herein as to them may respectively appertain.

(Signed) C. C. GREVILLE.

**OATHS.**—The Consul may administer oaths and take affidavits in all cases, as if he were a Justice of the Peace, or Notary Public, 6 Geo. 4, c. 87, s. 20. For offences committed in the Levant the examination is to be carried on under oath administered by Consul. (Order in Council, 19th June, 1844.)

The principal Acts of Parliament passed relating to oaths are as follows:

*Oath of Allegiance.*—1 Wm. & M. sess. 1, c. 8. By whom, and how to be taken.

7 & 8 Wm. 3, c. 24. Are to be taken by practitioners in the law.

31 Geo. 3, c. 32. Form in which Roman Catholics are to take it.

10 Geo. 4, c. 7. New oath to be taken by Roman Catholics instead of oaths of allegiance.

7 & 8 Vict. c. 102. Repealing penalties in 1 Wm. & M., sess. 1, c. 8.

9 & 10 Vict. c. 59. Repealing certain fines in 31 Geo. 3, c. 32.

*Affirmations.*—5 & 6 Wm. 4, c. 62. Provisions for the abolition of unnecessary oaths.

1 & 2 Vict. c. 105. To be binding if administered in such forms, and with such ceremonies as the person swearing may declare to be binding.

14 & 15 Vict. c. 99, s. 16. Every Court, Judge, etc., having authority to receive evidence, may administer an oath to witnesses legally called before them.

9 Geo. 4, c. 32. Affirmation to be sufficient instead of oaths in all cases, criminal as well as civil.

3 & 4 Wm. 4, c. 49. Allows Quakers and Moravians to make affirmation in all cases where an oath was formerly required.

1 & 2 Vict. c. 5 and c. 15. Allows Quakers to be admitted to municipal offices, and regulating oaths to be taken by them.

5 & 6 Wm. 4, c. 62. For the suppression of voluntary and extrajudicial affidavits, and substituting declarations in lieu thereof. (*Vide* Act for the Administration of Oaths Abroad, Section III.)

**ORDERS, FOREIGN.**—The annexed Order in Council relating thereto, being very important, is appended for the information of the Consul:

The Queen has been pleased to direct that the following regulations respecting foreign Orders and Medals shall be substituted for those now in force:

*Regulations respecting Foreign Orders.*

1. No subject of Her Majesty shall accept a foreign Order from the Sovereign of any foreign country, or wear the insignia thereof, without having previously obtained Her Majesty's permission to that effect, signified by a warrant under Her Royal sign manual.

2. Such permission shall not be granted to any subject of Her Majesty, unless the foreign Order shall have been conferred in consequence of active and distinguished service before the enemy, either at sea or in the field; or unless he shall have been actually and entirely employed, beyond Her Majesty's dominions, in the service of the foreign Sovereign by whom the Order is conferred.

3. The intention of a foreign Sovereign to confer upon a British subject the insignia of an Order must be notified to Her Majesty's Principal Secretary of State for Foreign Affairs, either through the British Minister accredited at the Court of such foreign Sovereign, or through his Minister accredited at the Court of Her Majesty.

4. If the service for which it is proposed to confer the Order has been performed during war, the notification required by the preceding clause must be made not later than two years after the exchange of the ratifications of a treaty of peace.

If the service has been performed in time of peace, the notification must be made within two years after the date of such service.

5. After such notification shall have been received, Her Majesty's Principal Secretary of State for Foreign Affairs shall, if the case comes within the conditions prescribed by the present regulations, and arises from naval or military services before the enemy, refer it to Her Majesty's Principal Secretary of State for the War Department, previously to taking Her Majesty's pleasure thereupon, in order to

ascertain whether there be any objection to Her Majesty's permission being granted.

A similar reference shall also be made to the Commander-in-Chief, if the application relates to an officer in the army, or to the Lords of the Admiralty, if it relates to an officer in the navy.

6. When Her Majesty's Principal Secretary of State for Foreign Affairs shall have taken the Queen's pleasure on any such application, and shall have obtained Her Majesty's permission for the person in whose favour it has been made to accept the foreign Order, and wear the insignia thereof, he shall signify the same to Her Majesty's Principal Secretary of State for the Home Department, in order that he may cause the warrant required by Clause 1 to be prepared for the Royal sign manual.

When such warrant shall have been signed by the Queen, a notification thereof shall be inserted in the *Gazette*, stating the service for which the foreign Order has been conferred.

7. The warrant signifying Her Majesty's permission may, at the request and at the expense of the person who has obtained it, be registered in the College of Arms.

8. Every such warrant as aforesaid shall contain a clause providing that Her Majesty's licence and permission do not authorize the assumption of any style, appellation, rank, precedence, or privilege appertaining to a Knight Bachelor of Her Majesty's realms.

9. When a British subject has received the Royal permission to accept a foreign Order, he will at any future time be allowed to accept the decoration of a higher class of the same Order, to which he may have become eligible by increase of rank in the foreign service, or in the service of his own country, or any other distinctive mark of honour strictly consequent upon the acceptance of the original Order, and common to every person upon whom such Order is conferred.

10. The preceding clause shall not be taken to apply to decorations of the Guelphic Order which were bestowed on British subjects by Her Majesty's predecessors, King George IV. and King William IV., on whose heads the crowns of Great Britain and of Hanover were united.

Decorations so bestowed cannot properly be considered as rewards granted by a foreign Sovereign for services rendered according to the purport of Clause 2 of these regulations. They must be rather considered as personal favours bestowed on British subjects by British Sovereigns, and as having no reference to services rendered to the foreign Crown of Hanover.

*Regulations respecting Foreign Medals.*

1. Application for permission to accept and wear medals which, not

being the decoration of any foreign Order, are conferred by a foreign Sovereign on British subjects in the army or in the navy for military or for naval services, should be addressed, as the case may be, to the Commander-in-Chief, the Master-General of the Ordnance, or the Lords of the Admiralty, who, if they see fit, may submit the same to Her Majesty's Principal Secretary of State for Foreign Affairs for Her Majesty's sanction, upon obtaining which they may grant such permission without any other formality.

2. Permission to wear a foreign medal cannot be granted to a British subject unless such medal is bestowed for military or naval services performed by the command or with the sanction of Her Majesty. But no permission is necessary for accepting a foreign medal if such medal is not to be worn.

CLARENDON.

**OWNERS OF SHIPS.**—(*Vide* Consular Instructions, page 38.) The ownership or title to a vessel can be acquired in several ways, as by purchase, building, or capture. In regard to the first, it is generally done by a bill of sale, of which there are two kinds; the first is where the ship passes from the builder to the first purchaser, and is called the grand bill of sale; the second is where the owner of the ship, not being the builder, transfers his interest to another purchaser. Upon the death of the owner, his interest devolves upon his executors or his personal representatives. Special conditions may be introduced which may vest the property in the purchaser, although the vessel may not have been completed, such as the payment of a certain part of the purchase money, when a part of the vessel has been completed; and he may insist upon the completion of that vessel, and the builder cannot require him to accept any other.\* A ship's boat does not constitute the part of a vessel's tackle, apparel, and furniture, etc.

As regards title by capture, it consists of acquiring the property of a ship in time of war, legalised and sanctioned by a sentence of condemnation in a Court of the capturing power.

As prizes cannot be condemned, having been carried into a neutral port while remaining there, the purchaser thereof cannot have a legal title thereto. This, however, will be different if the vessel be carried into a port of a country in alliance with the captors, and at war with the common enemy, as the port is then considered the same as that of the capturing country. In the case of *Wilson v. Forster*, 6 Taunt. 25, and 1 Marsh. 425; and *Woodsworth v. Larkin*, 1 Esp. 288, it has been decided, that if a neutral sell a vessel, there being no sentence of condemnation, the property in the vessel is not changed. As regards the

\* Abbot, page 3.

liability of owners for repairs, it is impossible to furnish sufficient *dicta* on this head, and the reader is therefore referred to *Abbot, Steel, etc.*

**PIRACY.**—The Acts for the suppression of piracy consist of the following :

27 Hen. 8, c. 4. Piracy is directed to be tried in such shires as may be directed by the King's Commission, and in what cases taking of articles from necessity shall not be deemed piracy.

11 & 12 Wm. 3, c. 7. For the trial of piracy under Admiralty Commission, and who shall be deemed pirates and accessories.

2 Geo. 2, c. 28. For the more effectual suppressing of piracy, trading with pirates to be deemed piracy ; and persons who under the 11 & 12 Wm. 3, c. 7, might be deemed accessories, are to be considered principals.

18 Geo. 2, c. 30. Natural-born subjects or denizens who, during war, commit hostilities at sea, under colour of the enemy, or give aid to enemies on the sea, may be tried as pirates under 11 & 12 Wm. 3, c. 7.

7 Wm. 4, and 1 Vict. c. 88. Piracy, when murder is attempted, or when attended with stabbing, wounding, etc., punishment—death ; other cases, transportation for fifteen years or life.

12 & 13 Vict. c. 96. Making further provision for the apprehension and trial of piracy in Colonies.

13 & 14 Vict. c. 26, and c. 27. Bounties on pirates taken or killed, and jurisdiction given to Admiralty Courts. Property captured from pirates liable to condemnation as droits of Admiralty, but to be restored to rightful owners on payment of one-eighth of the value of salvage, and providing for the assignment of rewards for services against pirates.

**PRIZES OF WAR.**—In cases of the registration of prizes of war, the certificate of condemnation must be produced. They cannot be registered in the Isles.

The principal Acts relating to prizes consist of the 33 Geo. 3, c. 38, enlarging the time for appeal in prize cases, etc. 45 Geo. 3, c. 72, and 49 Geo. 3, c. 12, provisions respecting letters of attorney for receiving prize-money. 52 Geo. 3, c. 132, explaining and amending certain Acts, and many others relating to prize-money.

For the process of condemnation in regard to prizes of war, *vide* Capture.

**PRIVY COUNCIL.**—By the 2 & 3 Wm. 4, c. 92, the powers of the High Court of Delegates were transferred in maritime cases to a Judicial Committee of the Privy Council, whose duties are defined by the 3 & 4 Wm. 4, c. 91, and whose jurisdiction was extended as to its

proceedings; appeals from the Admiralty Court were determined by the 3 & 4 Vict. c. 65, and further amended by the 6 & 7 Vict. c. 38, and 7 & 8 Vict. c. 69.

Appeals in cases of capture, etc., lie in the Privy Council from the Admiralty Court, within fifteen days from the day of judgment, by a notarial act executed by a proctor. An inhibition can also be taken out, which ties the hands of the Judge of Admiralty Court, and consequently stops the sale of the vessel and other proceedings on the part of the Court of Admiralty.

From the final decision of the Privy Council there is no appeal, and they have the power of either reversing the judgment of the Admiralty Court, with or without costs, or confirming the same. The costs for an appeal to the Privy Council are about 300*l.*; for further information *vide* Capture.

**PROPERTY OF BRITISH SUBJECTS DYING IN COUNTRY WHERE CONSUL IS ACCREDITED TO.**—In many countries it has been stipulated in treaties that Consuls shall have the power to nominate curators to the estate of their deceased countrymen, and in many instances to administer the residue thereof for the benefit of the heirs of the deceased. The clause generally inscribed in the treaties is as follows: "If any subject or citizen of either of the two high contracting parties shall die without will or testament in any of the territories, dominions, or settlements of the other, the Consul-General or Consul of the nation to which the deceased belonged, or in his absence, the representative of such Consul-General or Consul, shall have the right to nominate curators to take charge of the property of the deceased, so far as the laws of the country will permit, for the benefit of the lawful heirs and creditors of the deceased; giving proper notice of such nomination to the authorities of the country."

The following is the list of the treaties having clauses to the above effect:

1667, 13/20 May.	With Spain	.	.	Paragraph 33.
1686, 5th April.	„ Algiers	.	.	„ 13.
1721, 23rd Jan.	„ Morocco	.	.	„ 7.
1751, 17th Sept.	„ Tripoli	.	.	„ 9.
1760, 11th July.	„ Denmark	.	.	„ 15.
1760, 28th July.	„ Morocco	.	.	„ 7.
1791, 8th April.	„ „	.	.	„ 13.
1824, 26th July.	„ Algiers	.	.	„ 13.
1825, 2nd Feb.	„ Buenos Ayres	.	.	„ 13.
1827, 17th Aug.	„ Brazil	.	.	„ 3.
1837, 5th June.	„ Peru, Bolivia	.	.	„ 9.
1839, 31st May.	„ Muscat	.	.	„ 6.



1842, 3rd July.	With Lisbon	.	.	Paragraph	2.
1842, 26th Aug.	„ Uruguay	.	„		8.
1849, 27th Nov.	„ Costarica	.	„		9.
1849, 20th Feb.	„ Guatemala	.	„		9.

QUARANTINE is a certain time stipulated for the laying of a vessel in the roads, should she have any disease on board of a nature to cause apprehension of the same being infectious to any city. The word is taken evidently from “Quaranta” meaning a space of forty days, which, we are given to understand, was the time generally appointed for a vessel which had any infectious disease on board to lay in harbour.

The following Orders in Council regulate Quarantine; for the Act of Parliament, *vide* Section V.

*Orders in Council, in pursuance of the foregoing Act, dated 19th July, 1825.*

His Majesty, by and with the advice of his Privy Council, doth adjudge and declare it probable that the plague or some other infectious disease or distemper, highly dangerous to the health of His Majesty's subjects, may be brought into the United Kingdom, or the islands of Guernsey, Jersey, Alderney, Sark, or Man, by vessels coming from the Mediterranean, or from the West Barbary on the Atlantic Ocean, with or without clean bills of health, and also by the importation into the United Kingdom, or the islands aforesaid, of certain goods, wares, and merchandises hereinafter enumerated, being the growth, produce, or manufacture of Turkey, or of any place in Africa within the Straits of Gibraltar, or in the West Barbary on the Atlantic Ocean, from any port or place in Europe without the Straits, or on the Continent of America, at which there is no regular establishment for the performance of quarantine, and therefore it is ordered :

I. That all vessels, as well His Majesty's ships of war as all others (not having the plague, or such other infectious disease or distemper as aforesaid actually on board), coming from the Mediterranean, or from the West Barbary on the Atlantic Ocean with clean bills of health; and all vessels and boats receiving any person or persons, or goods, wares, or merchandise, packets, packages, baggage, wearing apparel, books, letters, or any other articles whatever, from or out of any such vessel, before such vessel shall have performed and shall be duly discharged from quarantine (whether such persons, goods, or other articles as aforesaid shall have come or been brought in such vessel, or such person or persons shall have gone, or articles have been put on board the same, either before or after the arrival of such vessel, and whether such vessel was or was not bound to any port or place in the

United Kingdom, or the islands aforesaid), shall, together with all persons (as well pilots as others\*), goods, wares, and merchandise, and other articles as aforesaid, on board thereof, perform such quarantine for such time, in such manner, and at such places as are hereinafter directed. And all commanders, masters, and other persons on board any such vessel or boat so liable to quarantine as aforesaid, and all persons who shall have any intercourse or communication with them, or any of them, shall forthwith repair to such lazaret, vessel, or place as is herein appointed, or shall hereafter be appointed for the performance of quarantine; and shall there perform quarantine accordingly, under and subject to all the pains, penalties, fines, forfeitures, and punishments, as well pains of death as others, to which any such commander, master, or person is or may be by law subject for any refusal or neglect to repair to such lazaret, vessel, or place as aforesaid, or for any escape or attempt to escape therefrom, or for any other breach or disobedience of the provisions, rules, and regulations of the said hereinbefore recited Act, or of this Order, or of any Orders which may hereafter be made as aforesaid.

II. All such vessels so coming from the Mediterranean, or from the West Barbary on the Atlantic Ocean, as shall arrive *with clean bills of health* as aforesaid, and all such receiving vessels and boats as aforesaid, and all persons, goods, wares, and merchandises, and other articles on board the same, shall respectively perform quarantine in the places hereinafter appointed (except in the cases hereinafter otherwise provided for), that is to say:

Vessels bound to the following ports, or any creeks or places belonging to or within any or either of them, viz.:

London			} shall perform quarantine at	{ Standgate Creek, or Milford Haven.
Rochester		Feversham		
Leigh	Yarmouth	Hull	} Ditto at	{ Hull Roads.— <i>Cust. Minute</i> , 11th Jan., 1850.
Maldon	Blackney and	Bridlington		
Colchester	Clay	Scarborough		
Harwich	Wells	Whitby		
Ipswich	Lynn	Stockton		
Woodbridge	Wisbeach	Sunderland		
Aldborough	Boston	Newcastle		
Southwold	Grimsby	Berywick		
Carlisle	Preston	Beaumaris	} Ditto at	{ Bromborough Pool, or in Mil- ford Haven.
Whitehaven	Liverpool	Isle of Man		
Lancaster	Chester			

\* Pilots arriving on board of vessels liable to quarantine having enumerated goods on board, may be permitted to leave such vessel upon receipt of the Order in Council by the superintendent, directing what quarantine is to be performed by the vessel and cargo, *before the hatches are opened*, unless directions to the contrary be given in such Order.— *Council Office*, 1st Sept., 1841.

Sandwich	Newhaven	Portsmouth	} shall perform quarantine at	{ The Motherbank, near Portsmouth.
Deal	Shoreham	Southampton		
Dover	Arundel	Cowes		
Rye	Chichester			
Poole	Plymouth	Penryn	} Ditto at	{ St. Just's Pool, within the mouth of the harbour of Falmouth.
Weymouth	Looe	Truro		
Lyme	Fowey	Penzance		
Exeter	Falmouth	Scilly		
Dartmouth	Gweek		} Ditto at	{ King Road and Portshute Pile.
Bridgewater	Gloucester	Cardiff		
Minehead	Chepstow	Swansea		
Bristol				
St. Ives	Ilfracombe	Milford	} Ditto at	{ Milford Haven aforesaid.
Padstow	Llanelly	Cardigan		
Bideford	Pembroke	Aberystwith		
Barnstaple				
Jersey	Sark	Alderney	} Ditto at	{ The Motherbank, near Portsmouth, or at St. Just's Pool, within the mouth of the har- bour of Falmouth.
Guernsey				

Vessels bound to ports in Scotland, or any harbours, creeks, etc., viz.:

On the Eastern coast:

Leith	Dunbar	Dundee	} Ditto at	{ Inverkeithing Bay.
Borrowsto-	Kirkaldy	Perth		
ness	Anstruther	Montrose		
Alloa	Prestonpans	Aberdeen		

Western ports:

Port Glasgow	Oban	Port Patrick	} Ditto at	{ Holy Loch, in the Frith of Clyde.
Greenock	Rothsay	Stanraer		
Irvine	Fort William	Wigtoun		
Campbeltoun		Ayr		

Northern ports:

Inverness	Orkney	Stornaway	} Ditto at	{ Inverkeithing Bay.
Zetland	Caithness			

[Order dated 30th Sept., 1825.]

South-west ports:

Dumfries	Kirkcudbright	Ditto at	{ Holy Loch, in the Frith of Clyde.
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[Order dated 30th Sept., 1825.]

Stations for performing quarantine in Ireland, viz.:

1st. Not having on board any enumerated articles:

Poolbeg	.	.	.	.	.	Dublin Harbour.
Warren Point	.	.	.	.	.	Newry Harbour.
Gramoye	.	.	.	.	.	Belfast Harbour.
Tarbert, River Shannon	.	.	.	.	.	Limerick Harbour.
Baltimore	.	.	.	.	.	Baltimore.
Passage, River Suir	.	.	.	.	.	Waterford Harbour.
White Gate	.	.	.	.	.	Cove of Cork.
Green Castle	.	.	.	.	.	Lough Foyle.
Black Rock	.	.	.	.	.	Galway Bay.

2nd. Having enumerated articles on board :

Gramoyle	.	.	.	.	.	Belfast Harbour.
White Gate	.	.	.	.	.	Cove of Cork.

[Council Office, 1st Sept., 1826.]

And lastly, such of them as are or shall be bound to any place on the coasts of the United Kingdom, not within any of the ports or limits hereinbefore mentioned or described, shall perform quarantine at such place hereinbefore appointed for performance of quarantine, as shall be *nearest to the port* or place to which such vessel respectively shall be so bound.

III. All goods, wares, and merchandises imported in any such vessels as aforesaid, shall be opened and aired at the several places hereinbefore respectively appointed for the performance of quarantine by such vessels respectively, in the manner and for the time hereinafter directed.

IV. All vessels not having the plague, or such other infectious disease or distemper as aforesaid, actually on board (except any ship of war, transport, or other vessel in the actual service of Government, under the command of a commissioned officer of His Majesty's navy), arriving in the United Kingdom, and coming from the Mediterranean, or from the West Barbary on the Atlantic Ocean, *which shall not be furnished with clean bills of health*, shall perform quarantine either in Standgate Creek or Milford Haven, and nowhere else. And in case any such merchant or other ship or vessel as aforesaid, coming from any of the places before described, and not furnished with a clean bill of health, shall come or attempt to enter into any of the outports of the United Kingdom, or any of the islands aforesaid, the principal and other officer of the customs at such port, or in such islands, or the governor or chief magistrate thereof, shall cause such vessel to depart from thence immediately, and proceed to Standgate Creek or Milford Haven, to perform quarantine; and all ships of war, transports, and other vessels in the actual service of Government, under the command of commissioned officers of His Majesty's navy, coming from any of the said places, and not being furnished with clean bills of health, shall perform quarantine at the Motherbank, in a separate and distinct place, to be appointed and marked out with yellow buoys for that purpose, in the centre of which place a floating lazaret, moored with chains, shall be stationed, with a yellow flag constantly flying at the mast-head; and all vessels and boats receiving any person, goods, wares, or merchandise, packets, packages, baggage, wearing apparel, books, letters, or any other articles whatever, from or out of any vessel so coming from any of the said places without clean bills of health as aforesaid, shall perform the like quarantine at Milford

Haven, Standgate Creek, or at the Motherbank respectively, in the same manner as if such receiving vessels or boats had come from any of the said places without clean bills of health.

And no persons, vessels, or boats whatsoever, other than the vessels or boats belonging to the medical attendant or superintendent of quarantine, or his assistant, or other boats regularly employed under the authority of the Commissioners of the Customs in the quarantine service, shall go, under any pretence whatever, within the limits so marked out, except in case of special necessity and emergency, and with permission first had and obtained from the superintendent of quarantine, or his assistant; and all vessels being furnished *with clean bills of health*, and boats liable to quarantine, which may be ordered to perform quarantine at the Motherbank, shall come to an anchor within the limits of the said yellow buoys in such place as shall be directed by the superintendent of quarantine or his assistant, and shall be kept separate and apart from His Majesty's ships of war, transports, and vessels in the service of Government, and having foul bills of health, which may be performing quarantine within the limits marked out by the said yellow buoys.

V. All vessels coming from any port or place in Europe, without the Straits, or on the continent of America, at which there is not a regular establishment for the performance of quarantine, declared sufficient by His Majesty in Council as aforesaid, and having on board any of the articles hereinafter enumerated, being the growth, produce, or manufacture of Turkey, or of any place in Africa within the Straits of Gibraltar, or in the West Barbary on the Atlantic Ocean; and all vessels and boats receiving any of the said goods, wares, or merchandise, or other articles as aforesaid, from or out of the said vessels, shall, together with all persons (as well pilots as others), goods, wares, and merchandise, and all articles on board thereof, perform the same quarantine, for such time, in such manner, and at such places respectively as is herein directed with respect to vessels coming from the Mediterranean, or from the West Barbary on the Atlantic Ocean, with clean bills of health.

VI. In case it shall happen that any vessel being liable to quarantine, and having a clean bill of health on board, and bound to any of the ports or places aforesaid, shall have passed the port or place hereby appointed for such vessel to perform quarantine, either from the commander or master being ignorant of his liability to perform the same, or from the said vessel having been carried past the said port or place by stress of weather, or any other unavoidable circumstance, the said commander or master, upon proof thereof being made by the oath of such commander or master, and likewise of the pilot (if any on board), to the satisfaction of the superintendent of quarantine or

his assistant, or the principal or other officer of the customs authorised to act in that behalf, and that the said passing such port or place was not done intentionally, and with a view of evading the regulations of quarantine, may be permitted to proceed and repair to any other port or place appointed for the performance of quarantine in the discretion of such superintendent or his assistant, or the principal or other officer of the customs authorised as aforesaid, keeping the proper quarantine signal hoisted during the whole time, and such commander or master shall there perform quarantine with such vessel, and all persons, goods, wares, and merchandises, and other articles on board, in the same manner as if he had been bound to such port or place.

VII. No vessel liable to quarantine, not bound to any port or place in the United Kingdom, or the islands aforesaid, shall touch at or attempt to enter any port or place in the United Kingdom, or the islands aforesaid (whether such port or place shall have been appointed for the performance of quarantine or not), except for orders, or in consequence of stress of weather, or any damage, loss, or accidents of the seas, the circumstances and necessity of which shall be proved upon oath as aforesaid to the satisfaction of the superintendent of quarantine or his assistant, or of the principal or other officer of the customs authorised to act in that behalf; and the commanders and masters of all such vessels, by whom and with respect to which such satisfactory proof shall have been made as aforesaid, shall be examined by such superintendent or his assistant, or the principal or other officer of the customs, and shall give true answers upon oath to the preliminary quarantine questions hereinafter directed to be put to the commanders and masters of all vessels liable to perform quarantine, and shall likewise strictly conform in all respects to all such directions as they shall receive from such superintendent or his assistant, or the principal or other officer of the customs as aforesaid, as well with respect to their stay or continuance at such port, and their departure from thence, and repairing to any other port or place for that purpose, as also with respect to all other orders, regulations, and restrictions touching or concerning quarantine; and in default of making such satisfactory proof, or giving true answers to such questions, or of obeying and complying with such directions, orders, regulations, and restrictions as aforesaid, the said commanders, masters, or other persons having the charge of such vessels, shall be compelled forthwith to proceed to sea with such vessels; and the said superintendent, or his assistant, or the principal or other officer of the customs, shall use all necessary means for that purpose, calling to his aid the commanders or other officers of any of His Majesty's ships of war, if their assistance shall appear to be necessary.

VIII. Where any vessel shall attempt to enter into any port or

place in the United Kingdom or the islands aforesaid, whether such port or place shall have been appointed for the performance of quarantine or not, the superintendent of quarantine or his assistant (if there shall be such superintendent or assistant at such port or place), and if not, the principal officer of His Majesty's customs at such port or place, or such officer of the customs as shall be authorised by the commissioners of the customs, or any four or more of them, to act in that behalf, shall go off to such vessel, and shall, at a convenient distance from such ship or vessel, keeping to windward, demand of the commander, master, or other person having charge of such vessel, answers to the following preliminary questions :—

1st. What is the name of the vessel, and the name of the commander or master ?

2nd. Are you the commander or master ? where does she belong ?

3rd. From whence do you come ?

4th. To what place are you bound ?

5th. At what ports have you touched since you left the port of your lading on your homeward voyage ?

6th. What vessels have you had intercourse or communication with on your passage, and from whence did they come ?

7th. Did the plague, or any other infectious disease or distemper, prevail in any degree at the place from whence you sailed on your homeward voyage, or at any of the places at which you have touched ? If at any, say at which, and when ? Are any persons on board your ship suffering under any infectious disease, or have any persons died or been ill of a disease of that nature in the homeward passage ? And if any, what number ? And if any have died or been ill of such disease, were their bedding and clothes destroyed ?

(If the vessel shall have sailed from any port in Europe without the Straits, or on the continent of America.)

8th. Have you on board any goods enumerated in this list ?

(Handing up a list of articles enumerated.) If you have, specify the same, and whether they are of the growth, produce, or manufacture of Turkey, or of any place in Africa within the Straits of Gibraltar, or in the West Barbary on the Atlantic Ocean, or of what other place ? Have you any declaration to prove of what place they are the growth, produce, or manufacture ?

(If the vessel comes from the Mediterranean, or from any other place respecting which there is any Order in Council in force concerning quarantine.)

9th. Have you any, and what bill of health ?

10th. What number of officers, mariners, and passengers have you on board ?

(And in cases of vessels coming from or having touched at any port or place on the continent of America, or the islands adjacent thereto, or coming from or having touched at any ports in the West Indies, the following questions are to be put in addition to the aforesaid questions) :—

11th. In the course of your voyage, have any persons on board suffered from sickness of any kind ; what was the nature of such sickness, and when did it prevail ? How many persons were affected by it, and have any of them died in the course of the voyage ?

12th. How long after sailing from your port of lading, or having touched at any port on the continent of America, or the islands adjacent thereto, or any of the ports in the West Indies, was the first appearance of disease observed ?

13th. How had the persons attacked been employed before they came on board ?

14th. Had they been employed in loading or unloading the vessel before she left the port ?

15th. Had the place which they inhabited before they sailed the reputation of being healthy ; or was it subject particularly to the fever incident to the country ?

16th. Had the fever been frequent in the place before the vessel sailed ?

17th. Did the persons who were ill on board your vessel fall sick nearly about the same time, or within a few days of each other ; or did the disorder spread successively from one to another, and increase considerably ; or did it abate gradually, and cease to multiply as the distance from the ports you sailed from or touched at as aforesaid increased ?

18th. What was the greatest number of persons ill at the most sickly period of your voyage ?

19th. What were the whole number of persons on board your vessel when you sailed ?

20th. What is the whole number of persons now ill on board your vessel ?

21st. Can you state what were the symptoms of illness with which your crew was first attacked, and what was the daily succession and change in them till their death ?

22nd. Whether any and what medicines have been used, and what methods have been adopted to prevent its spreading among the crew ?

23rd. Whether attention had been paid to cleanliness and ventilation on board your vessel ?

24th. When did you sail from the port or place from whence you took on board your outward cargo, and at what place did you touch



before you arrived at the port or place where you took in your present cargo?

25th. Did you carry any bill of health with you to the port or place where you took in the cargo you have now on board? From what place? Were the said bills of health clean, unclean, or suspected?

And such commander, master, or other person having charge of such vessel, shall, upon such demand, give a true answer to such questions in writing or otherwise, and upon oath, or not upon oath, according as he shall be required by such superintendent or his assistant, or principal officer or other officer of the Customs authorised as aforesaid, under such pains and penalties as are inflicted by the said herein-before recited Act.

And if it shall appear by the answers so given to the said questions that the said vessel is liable to quarantine, the said commander, master, or other person having the charge or command thereof, shall be directed to repair, and shall repair forthwith with such vessel to the proper place appointed in that behalf for the performance of quarantine, and shall not be permitted to remain in or enter into any port or place other than the port or place so appointed as aforesaid, unless compelled by stress of weather, damage, loss, or other injury unavoidably occasioned to the vessel by the perils of the seas; which shall be made appear by the oath and examination of such commander or master, and of the pilot (if any) on board, to the satisfaction of the superintendent or his assistant, or of the principal or other officer of the Customs authorised as aforesaid, at the port or place in which he shall be so detained, or into which he shall be so compelled to enter as aforesaid; in default of which satisfactory proof, or when the cause of such vessel so coming in as aforesaid shall no longer exist, such superintendent, assistant, principal or other officer of the Customs authorised as aforesaid, shall direct, and (if necessary) compel such vessel to repair to the proper place appointed in that behalf for the performance of quarantine, and shall use all necessary means for that purpose.

IX. And it is hereby further ordered, that on the arrival of any vessel liable to quarantine in any port or place hereby appointed for the performance of quarantine, the superintendent of quarantine, or his assistant, or, in case of such superintendent and his assistant being otherwise necessarily engaged, the principal officer of His Majesty's Customs at such port or place, or such officer of the Customs as shall be duly authorised to act in that behalf (together with the medical attendant, in such cases as shall be thought to require his assistance), shall go alongside such vessel in a boat (keeping to windward), and shall see the officers, crew, and all other persons belonging to or being

on board such vessel, mustered on the gangway, and the superintendent of quarantine or his assistant, or such principal or other officer of the Customs authorised as aforesaid, shall then and there, in the presence of the crew, put the following questions to the commander, master, or other person having charge of the vessel:—

1st. What is the name of the vessel, and the name of her commander or master?

2nd. Are you the commander or master?

3rd. To what port or place does she belong?

4th. When did you sail from the port or place from whence you took on board your outward cargo, and at what places did you touch before you arrived at the port or place where you took in your present cargo?

5th. Did you carry any bill or bills of health with you to the port or place where you took in the cargo you have now on board? From what places? Were the said bills of health clean, unclean, or suspected?

6th. From what port or place does she now come? When did you sail from such port or place, and at what place or places have you touched in the course of the voyage?

7th. Have you any bill or bills of health on board? From what place or places? Are the same clean, unclean, or suspected? Produce them.

(If the vessel shall have sailed from any port or place in Europe without the Straits, or on the continent of America.)

8th. Of what articles does your cargo consist? Have you on board any goods enumerated in this list?

(Handing up a list of articles enumerated.)

If you have, specify the same, and whether they are of the growth, produce, or manufacture of Turkey, or of any place in Africa within the Straits of Gibraltar, or in the West Barbary on the Atlantic Ocean, or of what other place. Have you any declaration to prove of what place they are the growth, produce, or manufacture?

9th. At what place or places was the cargo, or any part thereof, taken on board? On what day did you arrive at the place or places where you took in the whole, or any, and what part of the cargo? And on what day did you sail from such place or places, and what part of your cargo was taken in at each place, and when?

10th. Did the plague, or any other infectious disease or distemper, prevail in any degree at the places from whence you sailed, or at any of the places at which your cargo was taken on board, or at which you touched? If at any, say at which, and when?

11th. Did you hear of any report, or are you aware of any suspicion

having existed at the time of your sailing, that the plague, or any other infectious disease, prevailed at the place from whence you sailed, or at any other place in the Mediterranean (or in America or the West Indies, as the case may be)?

12th. What number of officers, mariners, passengers, or other persons, have you on board? Describe the number of each.

13th. At what port did you take on board your passengers?

14th. Were they residents at that place, or had they been embarked as passengers on board any other vessel from any other places, and from what places, and at what time?

15th. Do the said officers, mariners, passengers, and other persons, consist of the same individuals as were on board at the port from which you sailed upon your homeward voyage? If any other persons have been taken on board, or if any of your officers, crew, or passengers have quitted your vessel since you sailed from such port, or before your arrival at this place, or if any other alterations in that respect have taken place, specify the same, the causes, and the time or times of such alterations.

16th. What number of persons (if any) have died on board during the voyage? Outwards or homewards, or at any port at which you have touched? When and in what part of the voyage did such person or persons die? Of what disease or distemper?

17th. Have any of your officers, mariners, or other persons of your crew who sailed with you on your outward voyage, died or left the vessel?

18th. In the course of your voyage outward or homeward, or at any port at which you have touched, have any persons on board suffered from sickness of any kind? What was the nature of such sickness? When did it prevail? How many persons were affected by it? Are there any convalescents on board? Or are all persons on board at present in good health?

19th. Were any of those who died, or who have been sick in the course of the voyage, or at any port at which you have touched, affected, or suspected to have been affected, by any infectious disease or distemper?

Were the bedding and clothes of such deceased and sick persons destroyed? If so, when and in what manner? Were any of the persons immediately employed about the sick afterwards taken ill? If so, of what disease, and in how many days after having been so employed?

20th. At what precise time did such deaths happen? In how many days after being indisposed did the sick die? What were the most obvious appearances of the disease?

21st. Have you spoken to, or otherwise had any communication with, any vessels at sea during the voyage? What were the names of such vessels, and to what country, port, or place did they belong? From what ports or places were they coming, or at what ports or places had they touched on their voyage, and to what country, ports, or places were they bound? What was the nature of the communication held? What do you know respecting the state of health on board such vessel?

22nd. Have there been any letters, parcels, or other articles, delivered out of, or received into your vessel, from any vessel or boat met with on the voyage, or before or since your arrival at this place; and what were such letters, parcels, or articles, and where were the same delivered or received, and into or out of what vessel or boat?

23rd. Have you any packages or parcels which you have taken charge of? If so, what are their contents, and when and where did you take them on board?

24th. What pilots or other persons from the shores of the United Kingdom, or from the islands of Scilly, Guernsey, Jersey, Alderney, Sark, or Man, have been or are now on board your vessel, or have had any communication whatever with the ship's company, or any of the passengers, during the voyage homewards, or before or since your arrival at this place? If any such pilots or other persons have come on board, and have afterwards quitted your vessel, specify the names of such persons, and the time, manner, and circumstances of their so quitting your vessel.


25th. Did you leave any British vessels at any of the ports you sailed from? If you did, mention their names, and the names of the commanders.

26th. Were such vessels loading, were they near their departure, and whither were they bound?

27th. Did you meet with any British vessels at any of the places you touched at? If you did, say when, where, and what were the names and destinations of such vessels, and to what ports or places did they belong?

28th. Do you know whether any foreign vessels loading at the port from which you sailed, were bound beyond the Straits of Gibraltar? and if so, what were they, and whither were they bound?

29th. Do you know whether any person whatever employed in loading your vessel, or in bringing any articles into it, or having any communication on board thereof, was taken ill during such employment or communication? or whether, by the absence of such person or persons in the course of such employment, any suspicion was entertained of their having been taken ill? If so, of what disease?



30th. Do you know whether or not your cargo, or any part thereof, had been long in warehouse before its being taken on board? If you do, say how long. Have you any knowledge of its being packed or handled on shore, or conveyed from shore, or stowed on board by persons affected with the plague, or any other infectious disease or distemper?

X. And it is further ordered, that the answers to the aforesaid questions shall be taken down in writing, and the commander, master, or other person having the charge of such vessel, shall solemnly make oath to the truth thereof before the superintendent of quarantine or his assistant, or the principal or other officer of the Customs authorised as aforesaid (as the case may be); and such superintendent of quarantine or his assistant, or such principal or other officer of the Customs as aforesaid (with the advice of the medical attendant, if such advice shall be judged necessary), shall, according to the answers returned to the questions hereinbefore set forth, then appoint a proper place or station for such commander, master, or other person having the charge of such vessel, to repair to with such vessel, who thereupon shall, as soon as possible after having answered the foregoing questions, repair with such vessel to such place or station, where the said vessel shall be forthwith placed, and shall there perform quarantine accordingly; the said commander, master, or other person having the charge of such vessel, carrying with him the log-book, manifest, and all the ship's papers, all of which he shall there deliver to the superintendent of quarantine, or his assistant, or to the principal or other officer of the Customs authorised as aforesaid (as the case may be), the said log-book, manifest, and papers having been first immersed in vinegar, and fumigated; and such commander, master, or other person having the charge of such vessel, shall there solemnly make oath to the truth of the contents of such log-book, to the best of his recollection and belief, or shall state and specify upon oath in what particulars alone the same, or any part thereof, is false and incorrect, and whether every particular entry therein was made as soon after the fact as possible; and if not, for what reason it was delayed, and when it was made; and also to the truth of all the other ship's papers, before such superintendent or his assistant, or the principal or other officer of the Customs authorised as aforesaid, and shall obey and conform to all such directions as he shall then receive, touching the performance of quarantine, from such superintendent or his assistant, or the principal or other officer of the Customs authorised as aforesaid.

XI. In the case of vessels liable to quarantine arriving at any of the ports of the United Kingdom or islands aforesaid, if any suspicious circumstances shall appear in the answers returned to the said ques-

tions by the commander or master, or other person having charge of any such vessel, or from any other circumstance, the proper officer of the Customs at such port or island shall immediately transmit such answers, and give notice of the cause of such suspicion, to the Lords of His Majesty's most honourable Privy Council, and the Commissioners of His Majesty's Customs, and shall, without regard to the bill of health, whether clean or otherwise, order such vessel to a station distant from all other vessels in the same port or place, and put her under special guard, in order the more effectually to prevent all communication therewith.

XII. All vessels liable to quarantine as aforesaid, and being furnished with clean bills of health, as well as the crews and passengers on board the same, shall perform a quarantine of fifteen days, in the manner heretofore practised, which quarantine shall commence from the time when such part of the cargo, if any, as is hereinafter enumerated, shall have been delivered into a floating lazaret in Standgate Creek or Milford Haven, in case the ship or vessel shall perform quarantine in Standgate Creek or Milford Haven; or into the lighters or other proper vessels appointed for that purpose, in case the vessel shall perform quarantine at any of the places hereinbefore appointed for the performance thereof by vessels bound to any of the out-ports or islands aforesaid; but in cases where no part of the cargo shall consist of such enumerated goods, then such quarantine of fifteen days shall commence on the day on which the master or other person having charge of such vessel shall have arrived with such vessel at the station so appointed as aforesaid.

XIII. With respect to all goods, wares, and merchandises coming from the Mediterranean, or from the West Barbary on the Atlantic Ocean, in vessels furnished with clean bills of health, all goods, wares, and merchandises, other than such as are hereinafter enumerated, shall be aired and treated on board the vessel in which they shall arrive according to the manner heretofore practised respecting such goods imported in vessels furnished with clean bills of health, and shall continue to be so treated for and during the space of one week; and all such goods, wares, and merchandises as are hereinafter enumerated, so coming in vessels with clean bills of health, shall be removed from the vessel to the place appointed for that purpose, and shall be aired and treated in the manner heretofore practised with regard to such goods, wares, and merchandises, and shall continue to be so treated for and during the space of fifteen days.

XIV. With respect to all goods, wares, and merchandises, and other articles as aforesaid, brought or imported in vessels not having the plague or other infectious disease or distemper as aforesaid actually

on board, and which may arrive in any of the ports of the United Kingdom or the islands aforesaid, coming from the Mediterranean, or from the West Barbary on the Atlantic Ocean, not being furnished with clean bills of health, such goods, wares, and merchandise, and other articles as aforesaid (such vessel having first repaired to Standgate Creek or Milford Haven as hereinbefore directed), shall perform quarantine in a floating lazaret, either at Standgate Creek or Milford Haven, and nowhere else, in the manner and for the time hereinafter mentioned.

XV. Immediately after the commander, master, or other person having charge of every such vessel so arriving with a foul bill of health, or on board of which infection shall have appeared, shall have undergone the examination hereinbefore directed, and shall have arrived with his vessel at the station so appointed as aforesaid, two quarantine guardians shall be placed on board such vessel by the superintendent of quarantine, or his assistant.

XVI. All persons on board any vessel under quarantine may be permitted to have communication with others by letters, under the following regulations and restrictions, viz. :

An officer appointed by the superintendent of quarantine shall daily, at a fixed hour, go round the different lazarets and vessels in quarantine to receive letters, the usual precaution of dipping such letters in vinegar, and putting them into the fumigating box being always first observed; and such letters shall remain in the fumigating box until such time as the superintendent shall give directions for taking them out to be forwarded, and no person, except the said superintendent of quarantine or his assistant, or one of the guardians on board the vessel, shall be permitted to deliver such letters from such fumigating box; and the said persons so hereby authorised to deliver the same shall take care, where several letters or papers are enclosed together, to slit open the covers in manner practised in the lazarets of the Mediterranean. And all letters to such persons so under quarantine shall be delivered to the superintendent or his assistant, and shall be distributed by him, or according to his directions; and no communication or conference shall be had by persons not under quarantine with persons so under quarantine, except by permission or in the presence of the superintendent or his assistant, and under such regulations and restrictions as shall be directed by the said superintendent.

Provided always, that the medical attendant and superintendent, or his assistant, or any other person duly authorised by an Order in Council, may go on board any vessel under quarantine without such medical attendant or superintendent, or his assistant, being in any way subject to the restraint of quarantine.



XVII. A night watch shall be regularly kept, and a sufficient number of guard-boats and officers shall be appointed for the purpose of preventing all clandestine communications with persons under quarantine; and all the boats belonging to vessels under quarantine, either at Standgate Creek, Milford Haven, or at the other out-ports, shall be taken from them, and no use made of such boats, except for the purpose of carrying goods to the lazaret, or upon occasions of necessity, such necessity to be determined by the superintendent of quarantine; and such boats shall not be delivered up to the commanders or masters of such vessels, until the expiration of the quarantine to be respectively performed by them.

XVIII. The superintendent of quarantine, or his assistant, or some other proper person appointed by the superintendent, shall, as often as required, afford assistance and provide necessaries for the persons under quarantine, taking care to allow of no improper communication with the persons employed for that purpose; which persons shall always place their boats to windward, and shall deliver, by means of buckets, the articles supplied by them.

XIX. The quarantine guardians who shall be placed on board vessels shall be instructed to take especial care that nothing whatever be delivered from on board such vessels when under quarantine, without an order in writing from the superintendent or his assistant, every such order to be entered in a book by one of the said guardians, and the original to be delivered back to the superintendent or his assistant; and nothing, however little susceptible it may be thought to be of infection, shall be conveyed from one vessel under quarantine to another, nor any personal intercourse be permitted from any such vessel to another; and one of the quarantine guardians, when thereto required by the superintendent of quarantine or his assistant, shall accompany the lighters and boats which shall be employed in passing to or from the vessel on board of which such guardians are placed, during the passage of such lighters and boats to and from such vessel, in order to prevent any communication in the transit of the cargo from the vessels to any floating lazaret, and shall take care, after every removal of goods, that no remnants of cotton, or of any other enumerated article, remain in the lighters or the boats, but shall, before leaving off work, collect and deliver such remnants into the lazaret with the last package which they shall then carry from the said vessel.

XX. The guardians shall take care that, after the discharge of the cargoes into the lazaret, the holds and between decks of the vessels shall be completely swept, and the sweepings burnt.

XXI. The said guardians shall diligently search the lockers, chests, and other repositories of the officers, passengers, and crews, and every



part of the vessels, so that no article so enumerated, nor any matter or thing considered as susceptible of infection, remain undelivered to the lazaret, unless what shall be declared by the said superintendent or medical attendant to be requisite for daily use, and shall see that all the said chests, lockers, and other repositories, and all the clothes and bedding in the vessel be daily opened and aired, in such manner as shall be directed by the superintendent of quarantine.

XXII. One of the said guardians shall make a daily report to the superintendent of quarantine or his assistant, and to the medical attendant, of the state of health of every person on board, and whether the regulations of quarantine have been properly complied with; and in case any impediment shall occur in the execution of the duties required of the said guardians, they shall give notice immediately to the commander, master, or other person having charge of the vessel in the first instance, and if thereupon such impediment be not instantly removed, they shall then give notice thereof to the superintendent of quarantine, or his assistant, who shall take care to use effectual means for the removal of the same.

XXIII. If any person on board shall fall sick, and any medical person shall be on board the vessel, such medical person shall confer with the medical attendant alongside the vessel, the medical attendant keeping to windward, at a distance of not less than ten feet; and in case there shall be no medical person on board, and it shall be necessary for the medical attendant to inspect the sick, the visit shall be made at the ship's boat by the medical attendant in his own boat, keeping to windward at the like distance of not less than ten feet; and if any patient, after being examined in the manner before-mentioned, shall be found to require such medical or chirurgical aid as cannot properly be administered except in the hospital ship, he shall be removed to such hospital ship.

XXIV. In case any pestilential disorder shall actually discover itself on board any vessel, or among any of the persons under quarantine, the person or persons affected with such disorder shall be removed with all possible care and despatch, under the special direction of the superintendent of quarantine and medical attendant, to the hospital ship, and proper attendants shall be assigned to such patient or patients by the superintendent of quarantine, with the advice of the medical assistant; and such patient or patients shall be visited at a due distance, by the said medical attendant; and in case nearer approach shall be required, some persons shall be specially appointed by the medical attendant for that purpose.

XXV. The passengers and crew of any vessel under quarantine may have the assistance of any medical persons they may desire from the

shore, subject to the official visits of the medical attendant, and to such regulations and restrictions as the superintendent of quarantine, with the advice of such medical attendant, shall judge necessary; but all such medical persons, as well as all others, if they communicate by contact with the sick, shall perform the same quarantine as the sick persons themselves.

XXVI. After the quarantine guardians shall have been placed on board any vessel, the pilot may quit such vessel, and be removed to the hospital ship, and continue under quarantine until the probationary airing of the goods, wares, and merchandises, as hereinafter directed, shall be finished; and at the expiration of such probationary airing, such pilot, if he continue free from infection, shall be fumigated, and discharged from quarantine; provided always, that during the performance of such quarantine, such pilot shall not have communication with any other person, except under similar restrictions to those herein directed with regard to other persons under quarantine.

XXVII. In case any pestilential accident shall occur among the crew, passengers, or other persons on board any vessel during the probationary airing of the goods, at whatever stage of the quarantine such accident may happen, the quarantine of all the crew, passengers, or other persons, and of the pilot (if there shall be a pilot at that time liable to quarantine in respect to his having been on board such vessel), as well as of the goods, wares, and merchandises, shall recommence, and the sick persons shall be sent to the hospital ship, the external guard shall be immediately doubled, and notice of such accident shall be given, with all possible despatch, to the Lords of His Majesty's Privy Council, that they may give such orders thereupon as may appear to them to be necessary.

XXVIII. In the event of the plague actually appearing on board any vessel on her voyage to any port in the United Kingdom, she shall immediately, if to the southward of Cape St. Vincent, repair to some lazaretto in the Mediterranean, there to perform quarantine, and if to the northward of Cape St. Vincent, she shall immediately repair to Milford Haven, there to perform quarantine.

XXIX. The baggage, wearing apparel, books, and every other article belonging to any person on board any vessel arriving as above-mentioned with a foul bill of health, or on board of which infection shall have appeared, for which they shall have no immediate occasion, shall be sent to the lazaret, for the purpose of being aired in like manner as other goods of the same description; and before any of the passengers or crew shall be discharged from quarantine, they, their clothes, and other effects which have remained with them, shall be fumigated.

XXX. Immediately after the pilot, and such of the passengers and crew of the vessels so arriving with foul bills of health as may be permitted or directed to perform quarantine as hereinbefore mentioned, shall have quitted the vessel in which they shall have arrived, the hatches of such vessel shall be opened, and the probationary airing of the cargo shall commence, which probationary airing shall be in the following manner, viz. :—

Such a number of bales of the enumerated goods, wares, and merchandises hereinafter stated, as can be ranged upon deck, shall be taken from the hold, and the seams at one or both ends being ripped open, the contents shall be handled as much as possible by the sailors in presence of one of the guardians, and under this process of handling and turning such bales shall remain exposed to the air for six days, and on the subsequent day shall be put into a condition to be, and shall accordingly be delivered to the lighter appointed to transport them to the floating lazaret; and as soon as the deck is cleared of the first parcel of goods, a second parcel shall be hoisted up, and treated in like manner for the space of three days, and on the subsequent day shall in like manner be put into such condition, and shall be so delivered as aforesaid; after which a third parcel shall be hoisted up and treated in the same manner, also for the space of three days, and on the subsequent day shall in like manner be put into such condition, and shall be so delivered; but in case of any suspicious circumstances arising, the probationary airing shall be extended to eight, six, and four days, making, with the three intermediate days, twenty-one days in the whole, or even to a greater length of time, if circumstances shall require.

XXXI. Of the goods, wares, and merchandises, which shall arrive in vessels with foul bills of health, the articles hereinafter enumerated shall be carried to a floating lazaret in Standgate Creek, or at Milford Haven, there to be unpacked, opened, and aired, for the space of forty days, viz. :—

Apparel of all kinds  
Artificial flowers  
Bast, or any article made thereof  
Beads, bracelets, or necklaces in strings  
Beds  
Bedticks  
Books  
Brooms of all sorts  
Brushes of all sorts  
Burdetts  
Camblets  
Canvas  
Carmenia wool

Carpets  
Cordage not tarred  
Cotton wool  
Cotton yarn  
Cotton thread  
All articles wholly made or mixed with cotton, silk, wool, thread, or yarn  
Down  
Feathers  
Flax  
Furrier's waste  
Goats' hair  
Grogram

Gold or silver on thread, cotton,  
hair, wool, or silk, or any other  
substance hereinbefore enume-  
rated

Hats, caps, or bonnets, of straw,  
chip, cane, or any other material

Hemp

Hoofs

Horn and horn tips

Hair of all sorts

Leather

Linen

Lutestrings, bathings, or harp-  
strings

Maps

Mattresses

Mats and matting

Mohair yarn

Nets, new or old

Paper

Packthread

Parchment

Pelts

Plaiting of bast, chip, cane, straw,  
or horsehair

Quills

Rags

Sails and sailcloth

Silks, viz.:

Crapes and tiffanias

Husks and knubs

Raw silk

Thrown and organzine silk

Waste silk

Wrought silk

Skins, hides, and furs, and parts or  
pieces of skins, hides, and furs,  
whether undressed, or in part or  
wholly tanned, tawed, or dressed

Sponges

Straw, or any article made or mixed  
with straw

Stockings of all sorts

Thread

Tow

Vellum

Whisks

Wool, whether raw or otherwise  
wrought

Yarn of all sorts

And all other goods whatever, if they shall have arrived in or with packages consisting wholly or in part of any of the articles above enumerated in this class, unless such goods shall be removed from such packages as hereinafter mentioned.

XXXII. The expurgation of the goods, wares, and merchandises enumerated as before mentioned, after they have been removed to the floating lazaret, shall proceed in the following manner: (that is to say,) All bales of cotton shall be opened from one end to the other, and so much taken out as to leave room for handling daily the interior of the bale. The following articles, viz.:

Rags

Raw wool

Goats' wool

Carmenia wool, and

Hair

shall be taken out of the bags and bales, and shall be ranged in low heaps, not above four feet high, and successively handled and rum-maged.

All bales of raw silk, silk stracee (or refuse) and silk thrown, shall be opened on one side from end to end, the cords loosened, and way made, by removing a number of skins, for the porters to handle the interior of the bales; and at the expiration of twenty days, that side of the bale which has been opened being resealed, the other side shall be ripped open, and the contents handled and aired in the like manner, till the thirty-fifth day, when the bales shall be put in order for delivery.

All packages of cotton, of yarn, of thread, of silk stuffs, of cotton stuffs, or burdetts, of camblets, and of linen, shall be opened, and the piece goods piled in rows, lattice fashion, or in pyramids, turned every four days, and completely spread out and suspended on cords for several days.

Cases of papers, books, parchment, cases of sponges, and silk and thread stockings, shall be entirely unpacked, and the smaller parcels separated from each other, and so disposed as to admit of thorough airing.

Feathers  
Straw hats  
Artificial flowers

Coral beads in string  
Brushes

shall be spread out in the same manner.

Carpets

Furs

Hides and skins

shall be unbaled, and each piece shall be spread and suspended on cords, sometimes in the open air, and frequently turned.

All goods packed in or with straw, cotton, or any other enumerated article, or considered as susceptible, shall be entirely taken out, of or separated from the same, and carefully aired.

All goods enumerated above, concerning the expurgation of which no particular directions have been hereinbefore given, shall be unpacked, opened, aired, and handled in like manner, so far as may be, as is hereinbefore directed with regard to goods of a similar description.

XXXIII. After the delivery of all the goods, wares, and merchandises enumerated as before mentioned, into a floating lazaret, the vessels, with the rest of the cargo, shall then commence and perform quarantine of thirty days, during which, the packages of the goods, wares, or merchandises not enumerated, remaining on board such ship or vessel, shall be frequently swept and shifted, and moved from time to time as much as possible, according to the nature thereof, so as to admit of free ventilation; and at the expiration of the said thirty days, if all persons on board continue free from every appearance of infection, the vessel, and such part of the crew, passengers, and cargo as shall have remained on board, shall be finally fumigated and discharged.

XXXIV. If all the persons on board remain in health, dried fruits having been shifted from baskets or other packages made of articles enumerated, or considered as susceptible, when such dried fruits shall have been imported in such packages, may be delivered in twenty days; dried fruits in packages of wood in ten days; barrels of oil, the bungs being first tarred, and the barrels brushed, and then thoroughly washed in sea-water, in ten days; grain, pulse, and other seed in bulk,

on the eleventh day, after having been passed through an iron grating, in order to detect any susceptible matter that may be mixed therewith; grain, pulse, and other seeds, in sacks, or in casks, or baskets of rush mat, being shifted into fresh sacks or packages in like manner, on the eleventh day, being likewise passed through an iron grating; but in all cases where any goods, wares, or merchandises shall have been shifted from such susceptible packages as aforesaid into fresh packages, the said susceptible packages shall be sent to the lazaret to perform quarantine, according to the nature thereof, or shall be destroyed, or shall be dipped in the sea, and then remain on board the importing vessel till the expiration of the quarantine, at the option of the importer.

XXXV. The quarantine of all goods, wares, and merchandises (as well such as are directed to be left in, as such as are to be removed from the vessel), in cases where the cargo shall consist partly of enumerated articles, and partly of non-enumerated articles, shall commence and be computed from the day on which the whole of the enumerated articles shall have been removed from the vessel importing the same, to be opened and aired in the manner before directed (except as hereinbefore particularly excepted).

XXXVI. The quarantine of thirty days to be performed by all vessels arriving without clean bills of health; but with cargoes only consisting of articles considered as not susceptible of infection, and not enumerated, shall commence and be computed from the day on which the quarantine guardians shall be put on board.

XXXVII. All vessels, and all persons, goods, wares, and merchandises on board thereof, arriving with suspected bills of health (commonly called touched patients or bills) shall respectively perform quarantine, and be treated in the same manner as above directed, concerning vessels arriving without foul bills of health; and persons, goods, wares, and merchandises, arriving in such vessels, except only that such vessels, persons, goods, wares, and merchandises, so arriving with suspected bills of health, shall respectively be subjected to ten days' less quarantine.

XXXVIII. With respect to all vessels whatsoever having on board any of the articles enumerated as before stated, and intending to import the same into any port or place in the United Kingdom, or the islands of Guernsey, Jersey, Alderney, Sark, or Man, from any port or place in Europe without the Straits, or on the continent of America, at which there is not a regular establishment for the performance of quarantine, declared sufficient by His Majesty in Council, as aforesaid, the master or other person having charge of every such vessel is hereby required to bring with him a declaration made by the owner,

proprietor, shipper, or consignee of such vessel, or of the goods, wares, and merchandises enumerated as aforesaid on board the same respectively, upon oath before some magistrate of the port or place from whence such master or other person having the charge or command of such vessel shall have brought the said goods, wares, and merchandises, and attested by such magistrate, and also by the British Consul or Vice-Consul, or in case there shall be no British Consul or Vice-Consul there, then by two known British merchants; in which declaration it shall be stated, either negatively, that the said enumerated goods, wares, and merchandises, are not of the growth, produce, or manufacture of Turkey, or of any place in Africa within the Straits of Gibraltar, or in the West Barbary on the Atlantic Ocean; or affirmatively, of what place they are the growth, produce, or manufacture; and if they are of the growth, produce, or manufacture of any of the countries last mentioned, then it shall be stated in such declaration whether the said vessel is or is not the same in which the enumerated goods, wares, and merchandises so imported were brought from Turkey, or from any of the countries last mentioned; and in case the vessel is the same, the master or other person having the charge or command of such vessel is hereby required to bring with him the bill or bills of health granted at the port where any such goods were originally taken on board, or copies thereof attested by a notary public; and if the vessel having on board such goods, wares, and merchandises shall be other than that in which they were imported into any port or place in Europe without the Straits, or on the continent of America, at which there is not a regular establishment for the performance of quarantine, declared sufficient by His Majesty in Council as aforesaid, the master or other person having the charge of such vessel is hereby required to bring with him a declaration, made and attested in like manner as the declaration before mentioned, in which it shall be stated whether the said enumerated goods, wares, and merchandises were imported into the ports of the countries last mentioned in a vessel with or without a clean bill of health; and such master or other person having the charge of any such vessel, if the same shall be bound to the port of London, or to the river Thames or Medway, shall forthwith produce such declaration or declarations (as the case may be) to the superintendent of quarantine or his assistant at Standgate Creek or Milford Haven, or if the same shall be bound to any of the out-ports or islands aforesaid, to the superintendent of quarantine or his assistant, or to the principal or other officer of the Customs authorised to act in that behalf, at such out-port or place; and if it shall appear that none of the said enumerated goods, wares,

or merchandises on board such vessel are of the growth, produce, or manufacture of Turkey, or of any place in Africa within the Straits of Gibraltar, or in the West Barbary on the Atlantic Ocean, such vessel importing the same shall not be obliged to perform quarantine, but shall, on production of such declaration to the superintendent or his assistant, or to the principal or other officer of the Customs as aforesaid, be admitted to an entry in the usual and legal manner; but if it shall appear that such enumerated goods, wares, or merchandises, or any part thereof, are of the growth, produce, or manufacture of any of the countries last mentioned, or if no such declaration shall be produced by the master or other person having the charge of such vessel as aforesaid, then the superintendent of quarantine or his assistant, or the principal or other officer of the Customs authorised to act in that behalf as aforesaid, at the port or place at which such vessel shall arrive, as the case may be, shall take care that every such vessel, as well as the officers, crew, passengers, and the entire cargo on board the same, shall perform quarantine, according to the nature of the case, at such and the same places as are hereinbefore appointed for the performance of quarantine for the same time, and in the same manner as vessels, their officers and crews, passengers and cargoes, coming from the Mediterranean, or from the West Barbary on the Atlantic Ocean, with clean bills of health, are hereinbefore respectively required to perform quarantine: Provided always, that if the master or other person having charge of any vessel coming from any port or place whatever at which there is no regular establishment of quarantine declared sufficient by His Majesty in Council, shall bring with him a declaration on oath, made by the owner, proprietor, shipper, or consignee of such vessel, or for the goods, wares, and merchandises on board thereof respectively, before the British Consul or Vice-Consul residing at or near such port or place, to the same purport and effect as aforesaid, that then, and in such case, the declaration so made as last aforesaid shall have the like force and effect, to all intents and purposes whatever, as if attested and sworn before a magistrate in manner aforesaid.

XXXIX. All vessels arriving in the ports of the United Kingdom, or the islands of Guernsey, Jersey, Alderney, Sark, or Man, having come from the Mediterranean or from the West Barbary on the Atlantic Ocean, which, with their officers, crews, passengers, and cargoes, shall have previously performed quarantine in the lazaret of Malta, Ancona, Venice, Messina, Leghorn, Genoa, Trieste, or Marseilles, shall, on their arrival be put under quarantine in some of the places hereinbefore appointed for the performance of quaran-



tine, until the commander, master, or other person having the charge of such vessel shall have produced to the superintendent of quarantine or his assistant, or to the principal or other officer of the Customs authorised to act in that behalf, the proper documents to prove that such vessel, and the officers, crew, passengers, and cargo on board the same, have duly performed quarantine in one of the lazarets last-mentioned; and upon so producing such documents the said vessel shall not be obliged to perform quarantine, but shall, together with the goods, wares, and merchandises on board thereof, remain at such quarantine station until duly released by Order in Council.

XL. All masters or other persons having the charge of any vessels clearing outwards from any port or place in the United Kingdom or the islands aforesaid for any port or place in the Mediterranean, or in the West Barbary on the Atlantic Ocean, or for any port or place respecting which there shall at the time of such clearing out be any Order of His Majesty in Council in force, subjecting vessels coming from thence to quarantine, shall receive from the principal officers of the Customs at such port or place a printed paper containing an abstract of such quarantine regulations as shall be thought necessary to be most generally notified and observed by such masters, their officers, crews, and passengers on board; and every such master, or other person having charge of any such vessel, shall cause the said printed paper to be affixed on some convenient and conspicuous part of his said vessel, and there to remain so affixed until the return of his said vessel to some port or place in the United Kingdom or the islands aforesaid, provided the said vessel shall return to the United Kingdom or the islands aforesaid within twelve months.

XLI. Every commander, master, or other person having the charge or command of any vessel about to sail from any port or place in the United Kingdom, or the islands aforesaid, for any port or place in the Mediterranean, or in the West Barbary on the Atlantic Ocean, or for any port or place respecting which there shall, at the time of such clearing out, be any Order of His Majesty in Council in force subjecting vessels coming from thence to quarantine, shall, before his departure, provide and take on board one or more of the quarantine signal flags and lanterns directed by the hereinbefore recited Act of Parliament, and likewise a proper quantity of materials and instruments for fumigation and immersion, and shall keep the same on board, to be used in the manner hereinbefore directed upon the return of such vessel to any port or place in the United Kingdom.

XLII. The commanders of any of His Majesty's ships of war, who shall meet any vessel liable to perform quarantine, coming to any of the ports of the United Kingdom, or of the islands of Guernsey, Jersey, Alderney, Sark, or Man, shall take due care to prevent the

landing of any goods, wares, merchandises, or persons from on board the same, until they shall be put under the direction of the superintendent of quarantine or his assistant at Standgate Creek or Milford Haven, or under the direction of the superintendent or his assistant, or the principal or other officer of His Majesty's Customs authorised to act in that behalf as aforesaid, at any of the out-ports or places hereinbefore mentioned.

XLIII. The Commissioners and other officers of His Majesty's Customs shall use their utmost diligence and care that all regulations for the performance of quarantine, before directed, be duly observed.

XLIV. The commanders of His Majesty's ships of war, as likewise the commanders of His Majesty's forts and garrisons lying near the sea-coasts, and all justices of the peace, mayors, sheriffs, bailiffs, chief magistrates, constables, headboroughs, tithingmen, and all other officers and ministers of justice, shall be aiding and assisting to the said superintendents of quarantine and their assistants, and to the principal and other officers of His Majesty's Customs, and to all others that shall be concerned in stopping such vessels as aforesaid, and in bringing them to the places appointed for the performance of quarantine, as well as in enforcing due performance thereof.

XLV. This Order, and the regulations herein contained, shall take effect and be in force from and after the date hereof.

XLVI. And the Lords of His Majesty's Treasury, the Commissioners for executing the office of Lord High Admiral of Great Britain, the Lord Warden of the Cinque Ports, the Master-General and the rest of the principal officers of the Ordnance, His Majesty's Secretary at War, and the governors and commanders in chief for the time being of the islands of Guernsey, Jersey, Alderney, Sark, and Man, are to give the necessary directions herein as to them may respectively appertain.

C. C. GREVILLE.

RECIPROCITY is a mutual return of privileges between countries, generally entered into by convention, and the Consul will therefore refer to the Treaties at Section VIII. It becomes his most imperative duty to ascertain whether privileges granted to foreign subjects in this country are extended to his countrymen in the state he has been sent to; as he would then, if it was not so, have to report such circumstances to the Foreign Office. It is impossible to point out what the different privileges reciprocated with foreign countries are; but it will be as well to add, that in Great Britain, since the coasting trade has been thrown open, all foreign vessels enjoy the same privileges in every respect as British vessels; and it will be therefore the duty of the Consul to do all in his power (with deference, of course, to his instructions), to obtain like immunities for British vessels in the country he is in.

RESPONDENTIA is distinguished from Bottomry, being a loan

upon the the cargo of the vessel, and not upon the ship and freight. In the case of *Respondentia*, the person of the borrower, as well as the security of the goods, are responsible for the refundment of the debt; and although the goods be lost, still he is partly responsible for the debt. It is a species of loan that ought not, justly speaking, ever to be taken; and therefore we shall not dwell upon the subject any further.—*Vide Bottomry*.

SLAVE TRADE.—*Vide Treaties*.

WARRANTIES.—“A warranty,” says *Steel*,\* “in a policy of insurance, is a condition or contingency; and unless that be performed there is not any contract. It is perfectly immaterial for what purpose it was introduced, but being inserted the liability does not exist unless it be literally complied with.” A warranty, therefore, is an express condition introduced into a policy of insurance, without fulfilment of which the policy becomes vitiated or annulled. There exist two kinds of warranties, viz., expressed and implied. Express warranties are matter introduced expressly into a policy, and consequently any condition may be introduced, for that purpose, into the policy of insurance. The most general usually consist of—

1. The safety of the vessel on a certain day.

This, of course, means that you warrant the vessel you insure is or was safe on such and such a day, in this or that port.

2. The sailing or departure of a vessel from a certain port on a particular day.

This means, that you make one of the conditions of your policy that the vessel shall leave, that is, sail from a certain port on a particular day. If the vessel does not sail, even in consequence of the weather not permitting her to do so, the policy becomes vitiated; but, at the same time, if she leaves the port she is warranted to sail from, and is driven back again to other ports or anchor in the same river, the policy remains in full force, as she has then sailed within the meaning of the law: but, at the same time, it must be perfectly understood that she has *bond fide* sailed, that is, taken all her cargo, made her clearance, etc., as the transaction of any business whatever relating to her sailing, after she had finally left the port, or when she was either driven back by stress of weather, or remained in the river for reasons not connected with her sailing from the port, the policy would again become vitiated.

3. Sailing with convoy, that is, sailing in company with Her Majesty's ships for protection.†

There are many other express warranties, such as, that the property is neutral and cannot be seized in port of discharge. These are warranties which will be perfectly understood by their appellations, and

\* *Steel's "Shipmaster's Assistant,"* p. 130.

† *Abbot,* p. 291.

for the arguments which might be adduced against them, they become such minute points of law that space will not permit me to refer to them.

The implied warranties consist of the seaworthiness, that is, that the vessel was seaworthy at the time of the insurance; and, as *Lord Mansfield* says, she must be tight, staunch, and strong at the time of her sailing. The next is, that she shall not deviate from her voyage; that is, that she shall not deviate, without absolute necessity, from the voyage prescribed in the policy of insurance. The deviation in a case of absolute necessity must be, of course, explained to the satisfaction of the parties concerned, or else the policy becomes laid aside. The last, for which a very good explanation is afforded in *Steel*, pages 132 and 134, is, That the insured will use reasonable diligence to guard against the risks covered by the policy; that is, that the insured shall take care that she is documented according to her national character, as the underwriters will not be liable if a loss happen from the default of the insured, in being unprovided with those documents which are required by the general law of nations, or by particular treaties; so, also, if the documents are illegal.

**WRECK.**—It is the duty of the Consul, immediately on being made acquainted that a vessel is wrecked, to proceed, if possible, himself to the spot, and do all in his power to see that everything is recovered for the benefit of whom it may concern, and he will take possession (in the absence of the owner, or his agent) of the proceeds. It is his duty also to see that shipwrecked seamen are provided for, and that they are forwarded home; for their passage he may call upon any English vessel to provide, the expenses of which will be refunded on transmission of the proper accounts with vouchers.

The following are the treaties relating to special privileges in cases of shipwreck, Great Britain has ratified:

1661. With Denmark.	1797. With Russia.
1662. „ Tunis.	1803. „ Morocco.
1669. „ Denmark.	1806. „ United States.
1675. „ Tripoli.	1810. „ Portugal.
1682. „ Denmark.	1825. „ Columbia.
1686. „ Spain.	1827. „ Brazil.
1713. „ France.	1828. „ „
1716. „ Tunis and Tripoli.	1837. „ Greece and Netherlands.
1721. „ Morocco.	1840. „ Texas.
1734. „ Russia.	1841. „ Sardinia.
1751. „ Spain.	1842. „ Portugal.
1760. „ „	1843. „ Russia.
1766. „ Russia.	1845. „ the Two Sicilies.
1791. „ Morocco.	

## SECTION THE SECOND.

12 &amp; 13 VICT. CAP. 68.

*An Act for facilitating the Marriage of British Subjects resident in Foreign Countries.*

[28th July, 1849.]

WHEREAS an Act was passed in the fourth year of the reign of His late Majesty King George the Fourth, intituled An 4 G. 4, c. 91. Act to relieve His Majesty's subjects from all doubt concerning the validity of certain Marriages solemnized abroad: And whereas the provisions of the said Act are applicable only to the cases of marriages solemnized by a minister of the Church of England in the chapel or house of any British ambassador or minister residing within the country to the court of which he is accredited, or in the chapel belonging to any British factory abroad, or in the house of any British subject residing at such factory, and of marriages solemnized within the British lines by any chaplain or officer, or other person officiating under the orders of the commanding officer of a British army serving abroad: And whereas large numbers of Her Majesty's subjects are resident abroad at places where the provisions of the said Act are not applicable: And whereas it is expedient to afford greater facilities for the marriage of Her Majesty's subjects resident abroad: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That all marriages (both or one of the parties thereto being subjects or a subject of this realm) which from and after the passing of this Act shall be solemnized in the manner in this Act provided in any foreign country or place where there shall be a British Consul duly authorized to act in such foreign country or place under this Act, shall be deemed and held to be as valid in the law as if the same had been solemnized within Her Majesty's dominions with a due observance of all forms required by law.

Marriages solemnized abroad in manner provided by this Act to be valid.

2. And be it enacted, That in every case of marriage intended to be solemnized under the provisions of this Act one of the parties shall give notice under his or her hand, in the

Notice of every intended marriage to be

given to  
Consul.

form of the schedule (A.) to this Act annexed, or to the like effect, to the Consul within whose district both the parties shall have dwelt, not less than one calendar month then next preceding, and shall state therein the name and surname and the profession or condition of each of the said parties intending marriage, the dwelling place of each of them, and that each of them has dwelt within such district during such one calendar month at the least.

Consul to  
file notices,  
register  
them in a  
book, and  
suspend co-  
pies in the  
office of the  
Consulate.

3. And be it enacted, That the Consul shall file all such notices, and keep them with the archives of his Consulate, and shall also forthwith enter a true and exact copy of every such notice fairly into a register to be by him kept for that purpose, and shall likewise suspend a like true and exact copy of every such notice in some conspicuous place in the office of his Consulate during seven successive days if the marriage is to be solemnized by licence, or twenty-one successive days if the marriage is to be solemnized without licence, before any marriage shall be solemnized in pursuance of such notice; and the said register and suspended copies shall be open at all reasonable times, without fee, to the inspection of persons desirous of inspecting the same; and upon the receipt of every such notice, and before registering and suspending the same, the Consul shall be entitled to have a fee of ten shillings.

Persons duly  
authorised  
may forbid  
the solemn-  
ization of any  
marriage.

4. And be it enacted, That any person authorised in that behalf as hereinafter mentioned may, at any time before the solemnization of any such intended marriage, forbid the solemnization of such intended marriage, by writing the word "forbidden" opposite to the entry of the notice of such intended marriage in the register, and by subscribing thereto his or her name and place of abode, and his or her character in relation to either of the parties by reason of which he or she is so authorised; and in case the solemnization of any such intended marriage shall be so forbidden the notice shall be void, and such intended marriage shall not be solemnized under such notice.

Like consent  
to any mar-  
riage by  
licence as is  
required in  
England.

5. And be it enacted, That the like consent shall be required to any marriage by licence under the provisions of this Act as is now required by law to marriages solemnized in England by licence; and every person whose consent to a marriage by licence is required by law is hereby authorised to forbid a marriage under the provisions of this Act, whether such marriage is intended to be by licence or without licence.

6. And be it enacted, That before any marriage by licence <sup>Consul</sup> shall be solemnized under this Act both the parties intending <sup>may grant</sup> marriage shall appear before the Consul, and each of them <sup>licences for</sup> shall make oath, or shall make his or her solemn affirmation or declaration instead of an oath, that he or she believeth that there is not any impediment of kindred or alliance, or other lawful hindrance, to the said marriage, and that both of the said parties have for the space of one calendar month immediately preceding respectively had their usual places of abode within the district of such Consul, and where either of the parties, not being a widower or widow, shall be under the age of twenty-one years, that the consent of the person or persons whose consent to such marriage is required by law has been obtained thereto, or that there is no person having authority to give such consent, as the case may be; and when and as soon as such oath, affirmation, or declaration shall have been made, the Consul shall, on payment of a fee of twenty shillings, certify under his hand on the original notice and also in the register, that licence has been granted for the solemnization of the marriage in respect of which such notice was given; and such certificate shall be deemed and taken to be a licence for such marriage.

7. And be it enacted, That any person, on payment of a <sup>Caveat</sup> fee of twenty shillings to the Consul, may enter a caveat <sup>against mar-</sup> with the Consul against the solemnization of the marriage of <sup>riages may</sup> any person named therein, such caveat being signed by or on <sup>be lodged</sup> behalf of the person who enters the same, and stating his or <sup>with Consul.</sup> her place of residence, and the ground of objection on which his or her caveat is founded; and if any caveat be entered as aforesaid no marriage of the person named therein shall be solemnized until the Consul shall have examined into the matter of the caveat, and shall be satisfied that it ought not to obstruct the solemnization of the said marriage, or until the caveat shall be withdrawn by the party who entered the same; and in cases of doubt it shall be lawful for the Consul to transmit to one of Her Majesty's Principal Secretaries of State a copy of such caveat, with such statement in relation thereto as such Consul may think fit, and such Secretary of State shall refer the same to the Registrar-General of births, deaths, and marriages in England, for his decision; and the said Registrar-General, having decided thereon, shall transmit his decision in writing to the said Secretary of State, who shall communicate the same to the said Consul: Pro-



vided always, that in case the Consul refuse to solemnize or to allow to be solemnized in his presence the marriage of any person requiring such marriage to be solemnized, such person shall have a right of appeal to one of Her Majesty's Principal Secretaries of State, who shall thereupon either confirm the refusal or direct the solemnization of the marriage.

When marriage not solemnized within three months, a new notice required.

8. And be it enacted, That whenever any marriage shall not be had within three calendar months next after notice shall have been so given to and entered by the Consul as aforesaid, or where, in the case of any such caveat as aforesaid, a statement shall have been transmitted as aforesaid, or where, on such refusal as aforesaid of the Consul, a person shall appeal as aforesaid, and the marriage shall be directed to be solemnized, then, within three calendar months after the receipt from the Secretary of State of the decision with respect to such caveat or on such appeal the notice shall be void; and the marriage in respect of which such notice was given shall not be solemnized until a new notice shall have been given, and copies thereof entered in the register, and suspended in the office of the Consulate, in accordance with the provisions of this Act.

After seven days by licence, or twenty-one days without licence, marriages may be solemnized at the British Consulate, by or in the presence of the Consul and two witnesses.

9. And be it enacted, That after the expiration of seven days, if the marriage is by licence, or of twenty-one days, if the marriage is without licence, after notice shall have been so given to and entered by the Consul as aforesaid, provided no lawful impediment be shown to the satisfaction of the Consul why the marriage should not be solemnized, and that the marriage has not been forbidden in manner herein provided, it shall be lawful for the Consul to solemnize, or allow to be solemnized by any other person in his presence, the marriage in respect of which such notice shall have been given, between and by the parties described in such notice; and every such marriage shall be solemnized at the British Consulate, with open doors, between the hours of eight and twelve in the forenoon, in the presence of two or more witnesses, and may be solemnized, in the presence of the Consul, according to the rites of the United Church of England and Ireland, or according to such other form and ceremony as the parties thereto may see fit to adopt, or may, where the parties shall so desire, be solemnized by the Consul; and in the solemnization of every such marriage not solemnized according to the rites of the United Church of England and Ireland, in some



part of the ceremony, and in the presence of the Consul and witnesses, each of the parties shall declare,

“I do solemnly declare, That I know not of any lawful impediment why I, *A. B.*, may not be joined in matrimony to *C. D.*”

And each of the parties shall say to the other,

“I call upon these persons here present to witness, That I, *A. B.*, do take thee, *C. D.*, to be my lawful wedded wife [or husband].”

10. And be it enacted, That the Consul shall be entitled, Marriage fees to the Consul. for every marriage which shall be solemnized under this Act by him or in his presence, to have from the parties married the sum of twenty shillings, if the marriage shall be by licence, and otherwise the sum of ten shillings.

11. And be it enacted, That the Consul shall forthwith Consul to register marriages in duplicate, in books to be sent by the Registrar-General through the Secretary of State. register in duplicate every marriage solemnized as aforesaid in two marriage register books to be furnished to him for that purpose from time to time by the Registrar-General (through one of Her Majesty's Principal Secretaries of State), according to the form provided for the registration of marriages by an Act of the seventh year of the reign of King William the Fourth, intituled “An Act for registering Births, Deaths, and Marriages in England,” or as near to such form as the difference of the circumstances will admit of; and the entry in each such book of every such marriage shall be signed by the person by whom the marriage shall have been solemnized, if there shall be any such person other than the Consul, and by the Consul and both the parties married, and attested by two witnesses; and all such entries shall be made in regular order from the beginning to the end of each such book, and the number of the place of entry in each duplicate marriage book shall be the same.

12. And be it enacted, That in the month of January in Copies of the marriage register book to be forwarded yearly to the Secretary of State. every year every Consul shall make and transmit to one of Her Majesty's Principal Secretaries of State, to be transmitted by him to the Registrar-General, a true copy, certified by such Consul under his hand and Consular seal, according to the form in the Schedule (B.) to this Act annexed, of all the entries of marriages during the preceding year in the register book kept by him; and if there shall have been no marriage registered during such preceding year, the Consul shall certify such fact under his hand and Consular seal; and the Consul shall keep the said duplicate

marriage register books safely until the same shall be filled, and one of such duplicate marriage register books, when filled, shall be transmitted to one of Her Majesty's Principal Secretaries of State, to be transmitted by him to the Registrar-General.

Proof of residence of parties or consent not necessary to establish marriage.

13. And be it enacted, That after any marriage shall have been solemnized under this Act it shall not be necessary, in support of such marriage, to give any proof of the actual dwelling for the time required by this Act of either of the parties, previous to the marriage, within the district wherein such marriage was solemnized, or of the consent of any person whose consent thereto is required by law, nor shall any evidence to prove the contrary be given in any suit touching the validity of such marriage.

Consul may ask certain particulars of parties.

14. And be it enacted, That it shall be lawful for the Consul by whom or in whose presence any marriage is solemnized under this Act to ask of the parties to be married the several particulars required to be registered touching such marriage.

In case of fraudulent marriage, the guilty party to forfeit all property accruing from the marriage, as in 4 Geo. 4, c. 76.

15. And be it enacted, That if any marriage shall be had under the provisions of this Act by means of any wilfully false notice, oath, affirmation, or declaration made by either party to such marriage, as to any matter to which a notice, oath, affirmation, or declaration is by this Act required, it shall be lawful for Her Majesty's Attorney-General or Solicitor-General to sue for the forfeiture of all estate and interest in any property accruing to the offending party by such marriage; and the proceedings thereupon, and the consequences thereof, shall be the same as are provided by law in the like case, with regard to marriages solemnized by licence in England, according to the rites of the Church of England.

Persons taking false oaths, &c., guilty of perjury.

16. And be it enacted, That every person who shall knowingly and wilfully make any oath, affirmation, or declaration, or sign any false notice, required by this Act, for the purpose of procuring any marriage, and every person who shall forbid any such marriage by falsely representing himself or herself to be a person whose consent to such marriage is required by law, knowing such representation to be false, shall suffer the penalties of perjury; and such offender may be tried in any county or place in England in the same manner and may be dealt with in all respects as if the offence had been committed in such county or place in England.

17. And be it enacted, That in any and every action or suit for forfeiture, and upon any and every prosecution for perjury as aforesaid, the declaration and certificate of the Consul, under his hand and Consular seal, shall be received and taken as good and valid evidence in the law of all facts and matters stated in such declaration and certificate, without its being necessary for the said Consul to attend in person to prove the same.

The certificate of Consul to be evidence.

18. And be it enacted, That this Act shall be taken to be part of the said Act for registering Births, Deaths, and Marriages in England, as fully and effectually as if incorporated therewith; and that every Consul shall be deemed a Registrar under the said Act; and that all the provisions and penalties of the said Act relating to any Registrar, or register of marriages or certified copies thereof, shall be taken to extend to every such Consul, and the registers of marriages under this Act, and to the certified copies thereof, so far as the same are applicable thereto.

Provisions of Registration Act extended to this Act.

19. And be it enacted, That every British Consul-General and Consul already appointed or hereafter to be appointed to reside in any foreign country or place, who shall be directed or authorised, by writing under the hand of one of her Majesty's Principal Secretaries of State, to solemnize and register marriages, and any person duly authorised to act in the absence of such Consul, or, in any foreign place where there is no British Consul resident, any Vice-Consul or Consular agent who shall be directed or authorised as aforesaid by one of Her Majesty's Principal Secretaries of State to solemnize and register marriages in such place, shall, in the country or place in which he is so appointed to reside, or in which he is directed or authorised to solemnize and register marriages as aforesaid, be a Consul duly authorised for all the purposes of this Act; and in the construction of this Act the term "Consul" shall (save where such construction would be inconsistent with the context) be construed to mean a Consul so authorised; and the district of every such Consul for the purposes of this Act shall be all or such parts of the foreign country in which (or at a place within which) such Consul is appointed to reside, or is so directed or authorised as aforesaid, as such Secretary of State may, by such writing under his hand, direct, or where there shall be no direction in this behalf, shall be the district of the Consulate of such Consul.

Consuls may be authorised by Secretary of State to solemnize marriages.

20. And whereas many marriages have been entered Certain past

marriages  
confirmed.

into abroad by British subjects under circumstances which may occasion doubts as to the validity of such marriages, and it is expedient that such marriages should be confirmed in the cases hereinafter mentioned: Be it enacted, That all marriages, both or one of the parties being subjects or a subject of this realm, which, before the passing of this Act have been solemnized in any foreign country or place, or on board a British vessel of war on any foreign station, by a minister in holy orders according to the rites and ceremonies of the Church of England or of Ireland, or of the United Church of England and Ireland, or by an ordained minister of the Church of Scotland; and all marriages of the like parties which have been solemnized according to any religious rites or ceremonies or contracted *per verba de presenti* in any foreign country or place in the presence of any British Ambassador, Minister, Chargé d'Affaires, Consul-General, Consul, or Vice-Consul exercising his functions within the foreign country or place in which such marriages have been had, or on board a British vessel of war on any foreign station in the presence of the officer commanding such vessel; and all marriages of the like parties which have been solemnized according to any religious rites or ceremonies or contracted *per verba de presenti* in any foreign country or place, and registered by or under the authority of any British Consul-General, Consul, or Vice-Consul exercising his functions within such foreign country or place, the signatures of the parties being written in the register, shall be deemed and held to be as valid in the law and cognizable in the like manner as if the same had been solemnized within Her Majesty's dominions, with a due observance of all forms required by law: Provided always, that this enactment shall not extend to render valid any marriage which before the passing of this Act has been declared invalid by any Court of competent jurisdiction in any proceeding touching such marriage, or any right dependent on the validity or invalidity thereof, or any marriage where either of the parties has afterwards, during the life of the other, lawfully intermarried with any other person.

Extent of  
Act.

21. Provided always, and be it enacted, That nothing in this Act contained shall confirm or impair or in anywise affect, or be constructed to confirm or impair or in anywise affect, the validity in law of any marriage solemnized beyond the seas, otherwise than as herein provided; and this Act shall not extend to the marriage of any of the Royal Family.

SCHEDULES.

SCHEDULE (A).—*Notice of Marriage.*

To the [British Consul-General *or* Consul] at

I hereby give you notice, that a marriage is intended to be had within three calendar months from the date hereof, between me and the other party herein named and described ; (that is to say) :

Name and Surname.	Condition.	Rank or Profession.	Age. .	Dwell- ing place.	Length of Resi- dence.
<i>John Brown .</i>	<i>Widower</i>	...	<i>Of full Age</i>	...	...
<i>Elizabeth Reeve</i>	<i>Spinster</i>	...	<i>Minor .</i>	...	...

Witness my hand, this                      day of                      .

(Signed)                      *John Brown.*

SCHEDULE (B.).

I                      [Consul-General *or* Consul] residing at                      , do hereby certify that this is a true copy of the entries of marriages registered in my office, from the entry of the marriage of *John Brown* and *Elizabeth Reeve*, number *One*, to the entry of the marriage of *Michael Jones* and *Maria Tomkins*, number *Fourteen*.

Witness my hand and seal, this                      day of *January*, 1850.

*Signature and Consular Seal  
of the Consul-General or Consul.*

## SECTION THE THIRD.

18 &amp; 19 VICT., CAP. 42.

*An Act to enable British Diplomatic and Consular Agents  
Abroad to administer Oaths and do Notarial Acts.*

[2nd July, 1855.]

6 G. 4, c. 87. WHEREAS by an Act of the sixth year of King George the Fourth, chapter eighty-seven, powers are given to British Consuls-General and Consuls to administer oaths and do notarial acts in the foreign places to which they are appointed; and it is expedient that the like powers should be given to Ambassadors and other diplomatic agents and to Vice-Consuls and Consular agents abroad: Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Oaths may  
be adminis-  
tered by am-  
bassadors  
and other  
British mi-  
nisters  
abroad.

1. From and after the passing of this Act, it shall and may be lawful for every British Ambassador, Envoy, Minister, Chargé d'Affaires, or Secretary of Embassy or of Legation exercising his functions in any foreign country, and for every British Vice-Consul, Acting Consul, Pro-Consul, or Consular agent (as well as every Consul-General or Consul) exercising his functions in any foreign place, whenever he shall be thereto required, and whenever he shall see necessary, to administer in such foreign country or place any oath or to take any affidavit or affirmation from any person whomsoever, and also to do and perform in such foreign country or place all and every notarial acts or act which any notary public could or might be required and is by law empowered to do within the United Kingdom of Great Britain and Ireland; and every such oath, affidavit, or affirmation, and every such notarial act, administered, sworn, affirmed, had, or done by or before such Ambassador, Envoy, Minister, Chargé d'Affaires, Secretary of Embassy or of Legation, Vice-Consul, Acting Consul, Pro-Consul, or Consular agent, shall be as good, valid, and effectual, and shall be of like force and effect, to all intents and purposes, as if such oath, affidavit, or affirmation, or notarial act, respectively, had been adminis-

tered, sworn, affirmed, had, or done before any Justice of the Peace or Notary Public in any part of the United Kingdom of Great Britain or Ireland, or before any other legal or competent authority of the like nature.

2. Affidavits and affirmations so taken as aforesaid under the said Act of King George the Fourth or this Act shall and may be received, read, and made use of in and before any Court of Law or Equity or other judicature whatever in any part of the United Kingdom, and the judges and officers thereof, in or in relation to any action, suit, cause, matter, or proceeding in or before any such Court or judicature, in like manner, and shall be of the same force and effect, as affidavits and affirmations taken in or before such Court or judicature, or by any person duly commissioned or authorised by such Court or judicature to take such affidavits or affirmations, and shall be filed and dealt with accordingly.

Affidavits taken before Ambassadors, etc., abroad, may be used in Courts in the United Kingdom.

3. Any document purporting to have affixed, impressed, or subscribed thereon or thereto the seal and signature of any British Ambassador, Envoy, Minister, Chargé d'Affaires, Secretary of Embassy or of Legation, Consul-General, Consul, Vice-Consul, Acting Consul, Pro-Consul, or Consular agent, in testimony of any such oath, affidavit, affirmation, or act having been administered, sworn, affirmed, had, or done by or before him, shall be admitted in evidence, without proof of any such seal and signature being the seal and signature of the person whose seal and signature the same purport to be, or of the official character of such person.

Documents to be admitted in evidence without proof of the seal or signature of the Ambassador or other official person.

4. Any person knowingly and wilfully making any false oath, affidavit, or affirmation before any person having authority to administer such oath or take such affidavit or affirmation under the said Act of King George the Fourth or this Act, shall be deemed guilty of perjury, and such offender may be charged, proceeded against, tried, and dealt with in any county or place in the United Kingdom in the same manner in all respects as if the offence had been committed in such county or place.

Persons swearing or affirming falsely guilty of perjury.

5. If any person shall forge any such seal or signature as aforesaid, or shall tender in evidence any such document as aforesaid with a false or counterfeit seal or signature thereto, knowing the same to be false or counterfeit, he shall be guilty of felony, and shall upon conviction be liable to penal servitude for the term of four years, or to be imprisoned, with or without hard labour, for any term not exceeding

Persons forging seal or signature guilty of felony.

three years nor less than one year; and whenever any such document has been admitted in evidence by virtue of this Act, the Court or the person who has admitted the same may, at the request of any party against whom the same is so admitted in evidence, direct that the same shall be impounded and be kept in the custody of some officer of the Court or other proper person for such period, and subject to such conditions, as to the said Court or person shall seem meet; and every person charged with committing any felony under this Act may be dealt with, indicted, tried, and, if convicted, sentenced, and his offence may be laid and charged to have been committed, in the county, district, or place in which he may be apprehended or be in custody; and every accessory before or after the fact to any such offence may be dealt with, indicted, tried, and, if convicted, sentenced, and his offence laid and charged to have been committed, in any county, district, or place in which the principal offender may be tried.

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## SECTION THE FOURTH.

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18 & 19 VICT., CAP. 111.

*An Act to amend the Law relating to Bills of Lading.*

[14th August, 1855.]

WHEREAS by the custom of merchants a bill of lading of goods being transferable by endorsement the property in the goods may thereby pass to the endorsee, but nevertheless all rights in respect of the contract contained in the bill of lading continue in the original shipper or owner, and it is expedient that such rights should pass with the property: And whereas it frequently happens that the goods in respect of which bills of lading purport to be signed have not been laden on board, and it is proper that such bills of lading in the hands of a *bonâ fide* holder for value should not be questioned by the master or other person signing the same on the ground of the goods not having been laden as aforesaid: Be it therefore enacted by the Queen's most Excellent Majesty,



by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. Every consignee of goods named in a bill of lading, and every endorsee of a bill of lading to whom the property in the goods therein mentioned shall pass, upon or by reason of such consignment or endorsement, shall have transferred to and vested in him all rights of suit, and be subject to the same liabilities in respect of such goods as if the contract contained in the bill of lading had been made with himself. Rights under bills of lading to vest in consignee or endorsee.
2. Nothing herein contained shall prejudice or affect any right of stoppage *in transitu*, or any right to claim freight against the original shipper or owner, or any liability of the consignee or endorsee by reason or in consequence of his being such consignee or endorsee, or of his receipt of the goods by reason or in consequence of such consignment or endorsement. Not to affect right of stoppage in transitu or claims for freight.
3. Every bill of lading in the hands of a consignee or endorsee for valuable consideration representing goods to have been shipped on board a vessel shall be conclusive evidence of such shipment as against the master or other person signing the same, notwithstanding that such goods or some part thereof may not have been so shipped, unless such holder of the bill of lading shall have had actual notice at the time of receiving the same that the goods had not been in fact laden on board: Provided, that the master or other person so signing may exonerate himself in respect of such misrepresentation by showing that it was caused without any default on his part, and wholly by the fraud of the shipper, or of the holder, or some person under whom the holder claims. Bill of lading in hands of consignee, etc., conclusive evidence of the shipment as against master, etc. Proviso.

## SECTION THE FIFTH.

6 GEO. IV., CAP. 78.

*An Act to repeal the several Laws relating to the performance of Quarantine, and to make other Provisions in lieu thereof.*

[27th June, 1825.]

Acts relating  
to quaran-  
tine re-  
pealed.

WHEREAS it is expedient to repeal the several laws relating to the performance of quarantine, and to make other provisions in lieu thereof: Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of June, One Thousand eight hundred and twenty-five, all and every Act and all parts of Acts of the Parliament of Great Britain and Ireland respectively and of the Parliament of the United Kingdom, relating to the performance of quarantine, or relating to the charging any duty or duties upon vessels which may be liable to or have performed quarantine, shall be and the same is hereby repealed, save and except such Acts, and such parts of Acts, as relate to the payment and recovery of any duties imposed by the said Acts, or any parts of Acts which shall be due and unpaid on the first day of June by any person or persons under any or either of the said Acts; and also save and except as to any fine, penalty, forfeiture, or punishment, or fines, penalties, forfeitures, or punishments, to which any such person or persons may be liable by reason of the same; and also save and except as to any action, suit, prosecution, or other proceeding brought or commenced, or which shall hereafter be brought or commenced, for or on account of any such offence or offences so done or committed as aforesaid.

What ves-  
sels shall be  
liable to  
quarantine.

2. And be it enacted, That from and after the first day of June, One thousand eight hundred and twenty-five, all vessels, as well His Majesty's ships of war as others, coming from or having touched at any place from whence His Majesty, his heirs or successors, by and with the advice of his or their Privy Council, shall have adjudged and declared it probable that the plague or other infectious disease or distemper highly dangerous to the health of His Majesty's subjects may be

brought, and all vessels and boats receiving any person, goods, wares, and merchandise, packets, packages, baggage, wearing apparel, books, letters, or any other article whatsoever, from or out of any vessel so coming from or having touched at such infected place as aforesaid, whether such persons, goods, wares, and merchandise, packets, packages, baggage, wearing apparel, books, letters, or other articles, shall have come or been brought in such vessels, or such persons shall have gone, or articles have been put on board the same, either before or after the arrival of such vessels at any port or place in the United Kingdom, or the Islands of Guernsey, Jersey, Alderney, Sark, or Man, and whether such vessels were or were not bound to any port or place in the United Kingdom, or the Islands aforesaid, and all persons, goods, wares, and merchandise, packets, packages, baggage, wearing apparel, books, letters, or any other article whatsoever, on board of any vessels so coming from or having touched at such infected place as aforesaid, or on board of any such receiving vessels or boats as aforesaid, shall be and be considered to be liable to quarantine within the meaning of this Act, and of any Order or Orders which shall be made by His Majesty, his heirs and successors, by and with the advice of his or their Privy Council, concerning quarantine and the prevention of infection, from the time of the departure of such vessels from such infected place as aforesaid, or from the time when such persons, goods, wares, merchandise, packets, packages, baggage, wearing apparel, books, letters, or other articles shall have been received on board respectively; and all such vessels and boats as aforesaid, and all persons (as well pilots as others), goods, wares, and merchandise, and all other articles as aforesaid, whether coming or brought in such vessels or boats from such infected place as aforesaid, or going or being put on board the same, either before or after the arrival of such vessels or boats at any port or place in the United Kingdom, or the Islands aforesaid, and all persons, goods, wares, and merchandise, and other articles as aforesaid, on board such receiving vessel or boat as aforesaid, shall, upon their arrival at any such port or place, be obliged to perform quarantine in such place or places, for such time and in such manner as shall from time to time be directed by His Majesty, his heirs or successors, by his or their Order or Orders in Council, notified by proclamation, or published in the *London Gazette*; and that until such vessels and boats,

persons, goods, wares, and merchandise, and other articles as aforesaid, shall have respectively performed, and shall be duly discharged from quarantine, no such person, goods, wares, or merchandise, or other articles as aforesaid, or any of them, shall, either before or after the arrival of such vessels or boats at any port or place in the United Kingdom, or the Islands aforesaid, come or be brought on shore, or go and be put on board any other vessel or boat, in order to come or be brought on shore in any such port or place, although such vessels so coming from such infected place as aforesaid may not be bound to any port or place in the United Kingdom, or the Islands aforesaid, unless in such manner and in such cases, and by such licence as shall be directed or permitted by such Order or Orders made by His Majesty, his heirs or successors, in Council, as aforesaid; and all such vessels and boats, whether coming from such infected place as aforesaid, or being otherwise liable to quarantine as aforesaid, and all persons (as well pilots as others), goods, wares, and merchandise, and other articles as aforesaid, whether coming or brought in such vessels or boats, or going or being put on board the same, either before or after the arrival of such vessels or boats at any port or place in the United Kingdom, or the Islands aforesaid, and although such vessels or boats shall not be bound to any port or place in the United Kingdom, or the Islands aforesaid; and all commanders, masters, or other persons, having the charge or command of any such vessels or boats, whether coming from any infected place, or being otherwise liable to quarantine as aforesaid, shall be subject to all provisions, rules, regulations, and restrictions contained in this Act, or in any Order or Orders which shall be made by His Majesty, his heirs and successors, in Council as aforesaid, concerning quarantine and the prevention of infection, and to all the pains, penalties, forfeitures, and punishments contained in this Act, for any breach or disobedience thereof, or of any Order or Orders of His Majesty in Council made under the authority thereof.

Power for  
Privy Coun-  
cil to order  
vessels com-  
ing from  
America or  
the West  
Indies, when  
the yellow  
fever, etc.,  
prevails

3. And be it further enacted, That it shall and may be lawful for His Majesty, his heirs and successors, by his or their Order in Council, or for the Lords or others of his or their Privy Council, or any two or more of them, by their Order from time to time, as often as they may see reason to apprehend that the yellow fever or other highly infectious distemper prevails on the continent of America, or in the West

Indies, to require that every vessel coming from or having touched at any port or place on the continent of America or in the West Indies, shall come to an anchor at certain places to be appointed from time to time by the Commissioners of his Majesty's Customs (who are hereby authorised to make such appointment), for the purpose of having the state of health of the crew of such vessel ascertained, before such vessel shall be permitted to enter the port whereto she shall be bound, or any other port of the United Kingdom; but that such vessel shall not be deemed liable to quarantine unless it shall be afterwards specially ordered under that restraint.

4. Provided always, and be it enacted, That it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of Ireland, by his or their Order or Orders, made by the advice and consent of His Majesty's Privy Council in Ireland, and notified by proclamation, to give directions, where the urgency of the case shall require, as to the place or places, and as to the time and manner in which ships and vessels arriving, and persons, goods, and merchandises coming or imported into any port or place in Ireland, shall make their quarantine, in pursuance of the provisions of this Act; and that until such ships, vessels, persons, goods, and merchandises shall have respectively performed and been discharged from such quarantine, pursuant to the provisions of this Act, it shall and may be lawful for any such persons, goods, or merchandises, or any of them, to come or be brought on shore, or to go or be put on board any other ship or vessel in any place in Ireland, in such cases, and by such licence as shall or may be directed or permitted by any Order or Orders to be made by the Lord Lieutenant, or other Chief Governor or Governors of Ireland, by the advice and consent of the Privy Council there, and notified as aforesaid; and that all such ships and vessels, and the persons or goods coming or imported in, or going and being put on board such ships or vessels, and all ships, vessels, boats, and persons receiving any goods or persons out of the same, and all persons going on board any such ship or vessels, shall be subject to such orders, rules, and directions concerning quarantine and the preventing infection, as shall be made from time to time by the Lord Lieutenant or other Chief Governor or Governors of Ireland in Council, and shall be notified by proclamation as aforesaid,

there, to go to certain places without being liable to quarantine.

Power to Lord Lieutenant, where the urgency of the case requires, to give directions, by proclamation, where vessels shall perform quarantine, etc.

in pursuance of the provisions contained in this Act; and that the publication in the *Dublin Gazette* of any Order or Orders of the Lord Lieutenant or other Chief Governor or Governors and Council, made in pursuance of this Act, shall be deemed and taken to be sufficient notice to all persons concerned, of all matters contained in any such Order or Orders respectively.

Goods and vessels specified in any Order in Council subject to quarantine; as also all vessels arriving from any port under suspicious circumstances as to infection.

5. And whereas certain sorts of goods and merchandise are more especially liable to retain infection, and may be brought from places infected into other countries, and from thence imported into the United Kingdom, or the Islands aforesaid; be it enacted, That all such goods and merchandise as shall be particularly specified for that purpose in any Order or Orders made by His Majesty, his heirs or successors, in Council, concerning quarantine, and the prevention of infection as aforesaid, which shall be brought or imported into any port or place in the United Kingdom, or the Islands aforesaid, from any foreign country or place, in any vessel whatever; and the vessels in which the same shall be brought, and also all vessels which shall arrive from any port or place whatever, under any alarming or suspicious circumstances as to infection, shall be subject and liable to such regulations and restrictions as shall be made by such Order or Orders of His Majesty, his heirs or successors, in Council as aforesaid, respecting the same.

The Privy Council may make such Order as they shall think necessary upon emergencies.

6. And be it further enacted, That it shall and may be lawful for the Lords and others of His Majesty's Privy Council, or any two or more of them, to make such Order as they shall see necessary and expedient upon any unforeseen emergency, or in any particular case or cases, with respect to any vessel arriving and having any infectious disease or distemper on board, or on board of which any infectious disease or distemper may have appeared in the course of the voyage, or arriving under any other alarming or suspicious circumstances as to infection, although such vessels shall not have come from any place from which His Majesty, his heirs or successors, by and with the advice of his Privy Council, may have adjudged and declared it probable that the plague or any such infectious disease or distemper may be brought, and also with respect to the persons, goods, wares, and merchandise, and other articles as aforesaid on board the same; and in case of any infectious disease or distemper appearing or breaking out in the United Kingdom, or the Islands afore-

said, to make such orders and give such direction, in order to cut off all communication between any persons infected with any such disease or distemper, and the rest of His Majesty's subjects, as shall appear to the said Lords or others of His Majesty's Privy Council, or any two or more of them, to be necessary and expedient for that purpose, and likewise to make such orders as they shall see fit, for shortening the time of quarantine to be performed by particular vessels or particular persons, goods, wares, merchandise, or any other articles, or for absolutely or conditionally releasing them or any of them from quarantine; and all such Orders so made by the Lords, or others of the Privy Council, or any two or more of them as aforesaid, shall be as good, valid, and effectual, to all intents and purposes, as well with respect to the commander, master, or other person having the charge of any vessel, and all other persons on board the same, as with respect to any other persons having any intercourse or communication with them, and to the penalties, forfeitures, and punishments to which they may respectively become liable, as any Order or Orders made by His Majesty, his heirs or successors, by and with the advice of his or their Privy Council, concerning quarantine, notified by proclamation, or published in the *London Gazette*.

7. And be it further enacted, That if the plague, or such other infectious disease or distemper as aforesaid, shall appear on board any vessel within or without the Straits of Gibraltar, then the commander, master, or other person having the charge or command thereof shall immediately proceed to such place as His Majesty, his heirs or successors, by and with the advice of his or their Privy Council, shall from time to time direct and appoint; where being arrived, he shall make known his case to some officer of the Customs there, who shall with all possible speed send intelligence thereof to the Commissioners of the Customs in the Port of London, to the end that such precautions may be used to prevent the spreading of the infection, as the case shall require; and the said vessel shall there remain, until directions shall be given thereto by the Lords or others of His Majesty's Privy Council, or any two or more of them; nor shall any of the crew or passengers on board thereof go on shore; and such master and every other person on board such vessel shall obey such directions as he shall receive from the Lords and others of His Majesty's Privy Council, or any two or

Regulations  
for vessels in  
which infec-  
tion shall  
appear with-  
in or with-  
out the  
Straits of  
Gibraltar.

more of them as aforesaid; and the said commander, master, or any other person on board such vessel as aforesaid, who shall not act conformably to the provisions and regulations herein directed, or shall act in disobedience to such directions as shall be received on board such vessel from the Lords or others of the Privy Council, or any two or more of them as aforesaid, shall forfeit the sum of one hundred pounds.

Masters of vessels liable to quarantine to make signals on meeting other vessels at sea, or being within two leagues of the United Kingdom, or Guernsey, etc., on penalty of 100*l*.

8. And be it further enacted, That every commander, master, or other person, having the charge of any vessel liable to the performance of quarantine, shall be and is hereby required, at all times, when such vessel shall meet with any other vessel at sea, or shall be within two leagues of the coast of the United Kingdom, or the Islands of Guernsey, Jersey, Alderney, Sark, or Man, to hoist a signal to denote that his vessel is liable to the performance of quarantine, which signal shall be, in the day-time, if the said vessel shall have a clean bill of health, a large yellow flag, of six breadths of bunting, at the main-top-mast-head, and if such vessel shall not have a clean bill of health, then a like yellow flag, with a circular mark or ball, entirely black in the middle thereof, whose diameter shall be equal to two breadths of bunting; and in the night-time the signal shall in both cases be a large signal lanthorn with a light therein (such as is commonly used on board His Majesty's ships of war), at the same mast-head; and such commander, master, or other person shall keep such signals respectively, as the case shall be, hoisted during such time as the said vessel shall continue within sight of such other vessel, or within two leagues of the said coasts or islands, and while so in sight, or within such distance, until such vessel so liable to quarantine as aforesaid shall have arrived at the port or place where it is to perform quarantine, and until it shall have been legally discharged from the performance thereof; on failure whereof such commander, master, or other person having charge of such ship or vessel so liable to the performance of quarantine, shall forfeit and pay for every such offence the sum of one hundred pounds.

Masters of vessels to hoist certain signals when plague or infectious disease on board, on penalty of 100*l*.

9. And be it further enacted, That every commander, master, or other person having the charge of any vessel on board whereof the plague or other infectious disease or distemper highly dangerous to the health of His Majesty's subjects shall actually be, shall be, and is hereby required at all times when such vessel shall meet with



any other vessel at sea, or shall be within two leagues of the coast of the United Kingdom, or the Islands of Guernsey, Jersey, Alderney, Sark, or Man, to hoist a signal to denote that his vessel has the plague or other infectious disease or distemper highly dangerous to the health of His Majesty's subjects actually on board thereof, which signal shall be in the day-time a flag of yellow and black, borne quarterly, of eight breadths of bunting, at the main-top-mast-head; and in the night-time, the signal shall be two large signal lanthorns, such as are commonly used on board of His Majesty's ships of war, one over the other, at the same mast-head; and such commander, master, or other person shall keep such signal hoisted during such time as the said vessel so having the plague or such other infectious disease or distemper as aforesaid on board thereof, shall continue within sight of such other vessel, or within two leagues of the coasts or islands aforesaid, while so in sight or within such distance, until such vessel so having the plague or such other infectious disease or distemper as aforesaid on board thereof, shall have arrived at the port or place where it is to perform quarantine, and until it shall have been legally discharged from the performance thereof; on failure thereof such commander, master, or other person having charge of such vessel shall forfeit and pay for every such offence the sum of one hundred pounds.

10. And be it further enacted, That if any commander, master, or other person having the charge or command of any vessel, and knowing that the same is not liable to the performance of quarantine, shall hoist such signal as aforesaid, or either of them, by day or night respectively, such commander or other person as aforesaid shall forfeit and pay the sum of fifty pounds.

11. And be it further enacted, That from and after the first day of July, One thousand eight hundred and twenty-five, to all vessels arriving from any places beyond the Cape of Good Hope, or Cape Horn, in South America, and after the first day of August One thousand eight hundred and twenty-five, as to all vessels arriving from any parts of Africa or America not beyond those Capes, and from the West Indies and Mediterranean, and from and after the first day of June One thousand eight hundred and twenty-five, as to all vessels arriving from any other places, every commander, master, or other person, having the charge of

Penalty on  
persons  
hoisting sig-  
nals when  
not liable,  
50*l*.

Masters of  
vessels, on  
their arrival  
from foreign  
parts, to give  
to the pilots  
an account  
of the places  
at which  
they shall  
have loaded,  
and touched,  
on penalty  
of 100*l*.

any vessel coming from foreign parts, shall give to the pilot who shall go on board such vessel a written paper, containing a true account of the names of the place and country at which such vessel shall have loaded, and also of all the places at which any such vessel shall have touched on the homeward voyage, on pain of forfeiting the sum of one hundred pounds for any neglect or refusal to give such paper, or for any false representation or wilful omission therein : and if, by any proclamation or Order of His Majesty in Council, made after the departure of any vessel from the United Kingdom and the said Islands, and then in force, vessels coming from any place mentioned in any such paper shall be liable to the performance of any quarantine, such pilot shall immediately give notice thereof to the commander or other person aforesaid, of such vessel, on pain of forfeiting the sum of one hundred pounds for any neglect therein ; and such commander or other person shall thereupon hoist a proper signal, according to the provisions of this Act, and under the penalties in this Act contained for any neglect or refusal in respect of hoisting such signals.

Pilots to give notice of any Proclamation or Order in Council requiring the performance of quarantine, on penalty of 100*l*.

Pilot to give notice if any articles be on board liable to quarantine, on penalty of 100*l*.

12. And be it further enacted, That every commander, master, or other person having the charge of any vessel coming from foreign parts, which shall not be liable to quarantine in respect of the place from whence such vessel comes, shall give to the pilot who shall go on board such vessel, a written paper, containing a true account of the different articles composing the cargo of such vessel, on pain of forfeiting the sum of fifty pounds for any neglect or refusal to give such paper, or for any false representation or wilful omission therein ; and if, by any proclamation or Order of His Majesty in Council then in force, vessels having on board any of the articles mentioned in such paper shall be liable to the performance of quarantine, such pilot shall immediately give notice thereof to the commander or other person having the charge of such vessel, on pain of forfeiting one hundred pounds for any neglect therein, and such commander or other person shall thereupon hoist a signal, according to the provisions, and under the respective penalties in this Act contained, for any neglect or refusal in respect of hoisting such signals ; and in case any pilot shall bring or cause to be brought or conducted any vessel liable to the performance of quarantine, into any place which is not or shall not be specially appointed for the reception

Penalty on pilots conducting vessels to any other place than that ap-

of vessels so liable, after receiving such paper as aforesaid, whereby it shall have been made to appear that such vessel was liable to the performance of quarantine, or without requiring and receiving such paper as aforesaid, unless compelled thereto by stress of weather, adverse winds, or accidents of the sea, such pilot shall for every such offence forfeit and pay the sum of two hundred pounds.

13. And be it further enacted, That if any pilot being on board, or any commander, master, or other person having the charge of any vessel coming from foreign parts, whether such vessel shall be liable to quarantine or not, shall be required by any officer of the Customs, authorised to act in the service of quarantine, to bring to such vessel, to the end that the commander, master, or other person having the charge thereof may be interrogated, according to the provisions of this Act, and shall neglect or refuse to bring to such vessel, as soon as it can be done with safety, in obedience to such requisition, every such pilot, commander, master, or other person having the charge of any such vessel, shall for every such offence forfeit and pay the sum of one hundred pounds.

14. And to the end that it may be better known whether any vessel be actually infected with the plague or other infectious disease or distemper as aforesaid, or whether such vessel, or the mariners or passengers coming, or the cargo imported in the same, are liable to any Orders touching quarantine; be it further enacted, That when any country or place shall be known or suspected to be infected with the plague or other infectious disease or distemper as aforesaid, or when any Order or Orders shall be made by His Majesty in Council concerning quarantine and the prevention of infection as aforesaid, then and in such case, as often as any vessel shall attempt to enter into any port or place in the United Kingdom, or of the isles of Guernsey, Jersey, Alderney, Sark, or Man, whether such port shall have been appointed for the performance of quarantine or not, the superintendent or assistant at such port or place, or if not the principal officer of His Majesty's Customs at such port or place, or such officer of the Customs as shall be authorised to act in that behalf, shall go off to such vessel, and shall, at a convenient distance from such vessel, demand of the commander, master, or other person having charge of such vessel, and such commander, master, or other person

pointed for  
their recep-  
tion, 200l.

Pilot to bring  
to at request  
of officer of  
Customs, on  
penalty of  
100l.

For better  
ascertaining  
whether ves-  
sels be ac-  
tually in-  
fected, or the  
persons on  
board liable  
to orders  
touching  
quarantine.

Masters of vessels refusing to answer interrogatories, etc., to forfeit 200/.

shall, upon such demand, give a true answer in writing or otherwise, and upon oath or not upon oath, according as he shall by such superintendent or his assistant, or other officer of the Customs authorised as aforesaid be required, to all such questions or interrogatories as shall be put to him by virtue and in pursuance of such regulations and directions as His Majesty by Order in Council shall be pleased to prescribe; and in case such commander, or master, or other person having charge of such vessel shall, upon such demand made as aforesaid, refuse to make a true discovery in any of the particulars concerning which he shall be interrogated in manner aforesaid, or in case he shall not be required to answer such questions or interrogatories upon oath, shall give a false answer to any such question or interrogatory as aforesaid, such commander, master, or other person having charge of such vessel for every such offence shall forfeit and pay the sum of two hundred pounds.

Vessels subject to quarantine arriving at any port than that at which it ought to be performed, may be forced to repair to the appointed place.

15. And be it further enacted, That in case it shall appear upon such examination or otherwise, that such vessel is under such circumstances as shall render it liable to perform quarantine, and that the port or place where it so arrived, or at which it attempts to enter as aforesaid, is not the port or place where it ought to perform quarantine, in which case it shall and may be lawful to and for the officers of any of His Majesty's ships of war, or of any of His Majesty's forts or garrisons, and all other His Majesty's officers, upon notice thereof given to them, or any of them respectively, and to and for any other person or persons whom they shall call to their aid and assistance, and such officers and other persons are hereby required to oblige such vessel to go and repair to such place as hath been or shall be appointed for performance of quarantine, and to use all necessary means for that purpose, either by firing of guns upon such vessel, or by any other kind of necessary force whatsoever; and in case any such vessel shall come from, or shall have touched at any place infected by the plague or such other infectious disease or distemper as aforesaid, or shall have any person on board actually infected with the plague or other such infectious disease or distemper as aforesaid, and the commander, master, or other person having charge of such vessel, knowing that the place from whence he came, or at which he had touched as aforesaid, was infected with the plague or such other infectious disease or distemper, or knowing some person on board to be actually infected with

Masters of vessels that have touched at infected places, etc., omitting to disclose the same, or

the plague or such other infectious disease or distemper as aforesaid, shall refuse or omit to disclose the same upon such examination as aforesaid, or shall wilfully omit to hoist the signal hereinbefore directed, to denote that his vessel is liable to the performance of quarantine, at the times and on the occasions herein directed with respect to the same, such commander, master, or other person having charge of such vessel shall forfeit the sum of three hundred pounds.

16. And be it further enacted, That every commander, master, or other person having charge of any vessel which may be ordered to perform quarantine as aforesaid, shall forthwith, after his arrival at the place appointed for the performance of quarantine, deliver on demand to the superintendent of quarantine or his assistant, or other officer of the Customs, authorised to act in that behalf, and which superintendent, assistant, or other officer as aforesaid is hereby required to make such demand, his bill of health and manifest, together with his log book and journal, under pain of forfeiting the sum of one hundred pounds if he shall wilfully refuse or neglect so to do.

17. And be it further enacted, That if any commander, master, or other person having charge of any vessel liable to perform quarantine, and on board of which the plague or other infectious disease or distemper shall not then have appeared, shall himself quit, or shall knowingly permit or suffer any seaman or passenger coming in such vessel to quit such vessel by going on shore, or by going on board any other vessel or boat, before such quarantine shall be fully performed, unless by such licence as shall be granted by virtue of any Order in Council to be made concerning quarantine as aforesaid, or in case any commander or other person having charge of such vessel shall not, within a convenient time after due notice given for that purpose, cause such vessel and the lading thereof to be conveyed into the place or places appointed for such vessel and lading to perform quarantine; then and in every such case every such commander, master, or other person as aforesaid, for every such offence shall forfeit and pay the sum of four hundred pounds; and if any such person coming in any such vessel liable to quarantine (or any pilot or other person going on board the same, either before or after the arrival of such vessel at any port or place in the United Kingdom, or the Islands aforesaid), shall, either before or after such arrival, quit such vessel, unless by such

omitting to hoist the prescribed signal, to forfeit 300/.

Commanders to deliver up bills of health, manifests, and log book to the Superintendent of Quarantine, on penalty of 100/.

Penalty on masters, etc., quitting vessels, or permitting persons to quit them, or not conveying same to the appointed places, 400/.

Penalty on persons coming in such vessels, or going on board, and quitting them before discharged from quarantine, to suffer imprisonment for six months, and forfeit 300/.

licence as aforesaid, by going on shore in any port or place in the United Kingdom, or the Islands aforesaid, or by going on board any other vessel or boat, with intent to go on shore as aforesaid, before such vessel so liable to quarantine as aforesaid shall be regularly discharged from the performance thereof, it shall and may be lawful for any person whatsoever, by any kind of necessary force, to compel such pilot or other person so quitting such vessel so liable to quarantine to return on board the same ; and every such pilot or other person so quitting such vessel so liable to quarantine shall for every such offence suffer imprisonment for the space of six months, and shall forfeit and pay the sum of three hundred pounds.

For punishing disobedience or refractory behaviour in persons under or liable to quarantine, or persons having intercourse with them.

18. And whereas disobedience or refractory behaviour in persons under quarantine or liable to the performance of quarantine, or in other persons who may have had any intercourse or communication with them, may be attended with very great danger to His Majesty's subjects; be it further enacted, That all persons liable to perform quarantine, and all persons having had any intercourse or communication with them, whether in vessels or in a lazaret or elsewhere, shall be subject during the said quarantine, or during the time they shall be liable to quarantine, to such orders as they shall receive from the superintendent of quarantine, or his assistant, or from the principal officer of the Customs at any port or place where there is no such superintendent or assistant, or from any other officer of the Customs authorised to act in that behalf, and the said officers are hereby empowered and required to enforce all necessary obedience to the said orders, and in case of necessity to call in others to their assistance, and all persons so called in are hereby required to assist accordingly ; and such officers shall and they are hereby empowered and required to compel all persons liable to perform quarantine as aforesaid, and persons having had any intercourse or communication with them, to repair to such lazaret, vessel, or place, and to cause all goods, wares, and merchandise, and other articles comprised within any such orders to be made as last aforesaid, to be conveyed to such lazaret, vessel, or place duly appointed in that behalf, in such manner and according to such directions as shall be made by Order of His Majesty in Council as aforesaid, or of the Lords or others of the Privy Council, or of any two or more of them ; and if any person or persons liable to perform quarantine as aforesaid, or any person or persons

having had any intercourse or communication with him, her, or them, shall wilfully refuse or neglect to repair forthwith, when required and directed so to do by such officers as aforesaid, to the said lazaret, vessel, or place duly appointed in that behalf, or having been placed in the said lazaret, vessel, or place, shall escape or attempt to escape out of the same before quarantine duly performed, it shall and may be lawful to and for the said quarantine officers, and also the watchmen and other persons appointed to see quarantine performed, and each of them, and they are hereby respectively required, by such necessary force as the case shall require, to compel every such person so refusing or neglecting as aforesaid, and every such person so escaping or attempting to escape as aforesaid, to repair or return to such lazaret, vessel, or place so appointed as aforesaid; and every person so refusing or neglecting to repair forthwith as aforesaid to the said lazaret, vessel, or place, and also every person actually escaping as aforesaid, shall forfeit the penalty of two hundred pounds.

Persons refusing to repair to the lazaret or vessel, to forfeit 200*l*.

19. And be it further enacted, That it shall be lawful for any constable, headborough, tithingman, or other peace officer, or any other person, to seize and apprehend any person that shall, contrary to the provisions of this Act, have quitted or come on shore from any vessel liable to perform quarantine, or who shall have escaped from or quitted any vessel under quarantine, or from any lazaret, vessel, or place appointed in that behalf, for the purpose of carrying such person before any Justice of the Peace or Magistrate; and it shall be lawful for any such Justice of the Peace or Magistrate to grant his warrant for the apprehending and conveying of any such person to the vessel from which he or she shall have come on shore, or to any vessel performing quarantine, or lazaret, from which he or she shall have escaped, or for the confining of any such person in any such place of safe custody (not being a public gaol), and under such restrictions as to having any communication with any other persons as may in the discretion of any Justice of the Peace or Magistrate (calling to his aid, if he shall see fit, any medical person) appear to be proper, until such person can be safely and securely conveyed to some place appointed for the performance of quarantine, or until directions can be obtained from the Privy Council as to the disposal of any such person, and to make any further order, or grant any further warrant that may be necessary in that behalf.

Persons quitting vessels liable to perform quarantine, etc., may be seized.



Intercourse  
with stations  
allotted for  
quarantine  
of vessels  
may be pro-  
hibited by  
Order in  
Council.

20. And whereas it may be necessary for the public security to prevent all communication whatever with vessels performing quarantine, be it further enacted, That it shall and may be lawful to and for His Majesty, his heirs or successors, by his or their Order or Orders in Council, notified by proclamation, or published in the *London Gazette*, to prohibit all persons, vessels, and boats whatsoever, from going, under any pretence whatsoever, within the limits of any station which, by any Order or Orders in Council as aforesaid, has been or may be assigned for the performance of quarantine; and if any person whatsoever, after such notification or publication of any such Order or Orders in Council, shall presume, under any pretence whatsoever, to go with any vessel or boat within the limits of any such station, he or she shall for every such offence forfeit and pay the sum of two hundred pounds.

Penalty on  
persons em-  
bezzling  
goods per-  
forming  
quarantine,  
neglecting  
or deserting  
their duty,  
or permit-  
ting persons,  
vessels, etc.,  
to depart  
without au-  
thority, or  
giving false  
certificates,  
or damaging  
goods.

21. And be it further enacted, That if any officer of His Majesty's Customs, or any other officer or person whatsoever, to whom it doth or shall appertain to execute any Order or Orders made or to be made concerning quarantine, or the prevention of infection, and notified as aforesaid, or to see the same put in execution, shall knowingly and wilfully embezzle any goods or articles performing quarantine, or be guilty of any other breach or neglect of his duty in respect of the vessels, persons, goods, or articles performing quarantine, every such officer or person so offending shall forfeit such office or employment as he may be possessed of, and shall become from thence incapable to hold or enjoy the same, or to take a new grant thereof; and every such officer and person shall forfeit and pay the sum of two hundred pounds; and if any such officer or person shall desert from his duty when employed as aforesaid, or shall knowingly and willingly permit any person, vessel, goods, or merchandise to depart or be conveyed out of the said lazaret, vessel, or other place as aforesaid, unless by permission under an Order of His Majesty, by and with the advice of his Privy Council, or under an Order of two or more of the Lords or others of his Privy Council; or if any person hereby authorised and directed to give a certificate of a vessel having duly performed quarantine or airing, shall knowingly give a false certificate thereof, every such person so offending shall be guilty of felony; and if any such officer or person shall knowingly or wilfully damage any goods performing quaran-



tine under his direction, he shall be liable to pay one hundred pounds damages and full costs of suit to the owner of the same.

22. And be it further enacted, That if any vessel arriving from the Mediterranean, or from any port in Turkey or Africa, shall have undergone examination by the proper officer of quarantine, and upon a report of such examination being made to the Lords or others of His Majesty's Privy Council, their lordships shall think proper to direct the release of such vessel from the performance of quarantine, it shall be lawful for such officer, and he is hereby required to grant to the master or person having the charge or command of such vessel, a certificate in writing of such examination and release, and upon the production of such certificate to the collector or principal officer of His Majesty's Customs, at any port in the United Kingdom, such vessel shall be admitted to entry without being liable to any further restraint.

Vessels from the Mediterranean, Turkey, or Africa, having undergone examination, and released from quarantine, to be admitted to entry upon producing a certificate of such examination.

23. And be it further enacted, That after quarantine shall have been duly performed by any vessel, person or persons obliged to perform quarantine as aforesaid, according to this Act, and to such Order or Orders made as aforesaid, and upon proof to be made by the oaths of the master or other person having charge of such vessel, and of three or more of the persons belonging thereto, or upon proof to be made by the oaths of two or more credible witnesses, before the collector or principal officer of the Customs at the port where such quarantine shall be performed, or at the port nearest thereto, or before the superintendent of quarantine, or his assistant at the quarantine station, or before any Justice of the Peace living near to the port or place or when such quarantine shall have been performed within any of the said isles of Guernsey, Jersey, Alderney, Sark, or Man, before any two Jurats or Magistrates of any of the said isles respectively, that such vessel, and all and every such person and persons respectively, have duly performed quarantine as aforesaid, and that the vessel and all and every person and persons are free from infection, and after producing a certificate to that purpose, signed by the chief officer, who superintended the quarantine of the said vessel, or person acting for him, then and in the said respective cases, such collector or principal officer of the Customs, or the superintendent of quarantine, or his assistant, or such Justice of the Peace, or such Jurats or Magistrates as aforesaid, respectively, are

After proof of performance of quarantine, and proper certificate to that effect, vessels or persons shall not be liable to further detention.

hereby required to give a certificate thereof, and thereupon such vessel, and all and every such person or persons so having performed quarantine, shall be liable to no further restraint or detention upon the same account, for which such vessel, person, or persons, shall have performed quarantine as aforesaid.

Goods liable to perform quarantine shall be opened and aired, as directed by Order in Council, and proof thereof to be made, etc.

24. And be it further enacted, That all goods, wares, and merchandise, and other articles liable to quarantine as aforesaid, shall be opened and aired in such place or places, and for such time and in such manner as shall be directed by His Majesty, his heirs and successors, by such Order or Orders to be made as aforesaid, and after such Orders shall have been duly complied with, proof thereof shall be made by the oaths of the master of the lazaret or vessel in which the goods, wares, and merchandise, and all other articles, shall have been opened and aired, and of one of the guardians, or if there be no guardians, then one of the officers authorised by the Commissioners of Customs to act in the service of quarantine in such lazaret or vessel, or if there be no such officer, then by the oaths of two or more credible witnesses serving in the said lazaret or vessel, before the superintendent of quarantine or his assistant, in case such opening and airing shall be had at a port or place where such superintendent or assistant shall be established, or otherwise before the principal officer of the Customs authorised to act in the service of quarantine at such port or place, which oath such superintendent, assistant, or principal officer, is hereby authorised to administer; and such superintendent, assistant, or principal officer, as the case may be, shall grant a certificate of such proof having been made, and upon production of such certificate to the proper officer of the Customs, such goods, wares, and merchandises, and other articles, shall be liable to no further restraint or detention, either at the port or place where such quarantine shall have been performed, or at any other place whereto they be afterwards conveyed.

Persons forging or uttering false certificates required by Order in Council, guilty of felony.

25. And be it further enacted, That if any person shall knowingly or wilfully forge or counterfeit, interline, erase, or alter, or procure to be forged or counterfeited, interlined, erased, or altered, any certificate directed or required to be granted by any Order of His Majesty, his heirs, or successors, in Council, now in force or hereafter to be made touching quarantine, or shall publish any such forged or

counterfeited, interlined, erased, or altered certificate, knowing the same to be forged or counterfeited, interlined, erased, or altered, or shall knowingly and wilfully utter and publish any such certificate with intent to obtain the effect of a true certificate to be given thereto, knowing the contents of such certificate to be false, he or she shall be guilty of felony.

26. And be it further enacted, That if any person shall land or unship, or shall move in order to the landing or unshipping thereof, any goods, wares, or merchandise, packets, packages, baggage, wearing apparel, books, letters, or other articles from on board any vessel liable to perform quarantine as aforesaid, or shall knowingly receive the same after they have been so landed or unshipped, every such person shall forfeit and pay the sum of five hundred pounds; and if any person or persons shall clandestinely convey or secrete, or conceal for the purpose of conveying any letters, goods, wares, or merchandise, or other articles as aforesaid, from any vessel actually performing quarantine, or from the lazaret or other place where such goods, wares, merchandise, or other articles, as aforesaid shall be performing quarantine, every such person so offending as last aforesaid shall forfeit the sum of one hundred pounds.

Penalty on persons landing goods, etc., from vessels liable to perform quarantine, or receiving them or secreting them from vessels performing quarantine, 100*l*.

27. And be it further enacted, That in case it shall at any time happen that any part of the United Kingdom, or the islands of Guernsey, Jersey, Alderney, Sark, or Man, or France, Spain, or Portugal, or the Low Countries, shall be infected with the plague, or other infectious disease or distemper as aforesaid, it shall and may be lawful to and for His Majesty, his heirs and successors, by his or their proclamation, to prohibit or restrain all vessels and boats under the burthen of one hundred tons from sailing or passing out of any port or place of the United Kingdom, or the isles of Guernsey, Jersey, Alderney, Sark, or Man, or any of them, until security be first given by the master of every such vessel or boat respectively, to the satisfaction of the principal officers of the Customs, or the Chief Magistrate of the port or place from whence such vessel or boat shall sail, by bond taken by such officer or Magistrate, to the King, his heirs or successors, with sufficient sureties in the penalty of two hundred pounds, with condition, that if such vessel or boat shall not go to or touch at any country, port, or place, to be

His Majesty in certain cases may prohibit vessels under 100 tons from sailing until bond be given by the master, with certain conditions.

Penalty for sailing without giving such security, forfeiture of vessel, etc.

mentioned for that purpose in such proclamation; and if neither the master or other person having charge of such vessel or boat, nor any mariner or passenger in such vessel or boat shall, during the time aforesaid, go on board any other vessel at sea, and such master or other person having charge of such vessel or boat shall not permit or suffer any person or persons to come on board such vessel or boat at sea from any other vessel, and shall not, during the time aforesaid, receive any goods or merchandise whatsoever out of any other vessel, then such bond shall be void; for the making of which bond no fee or reward whatsoever shall be taken; and in case any vessel or boat for which such security shall be required by such proclamation, shall set sail or pass out of any port or place of the United Kingdom, or the islands of Guernsey, Jersey, Alderney, Sark, or Man, or any of them respectively, before security be given as aforesaid, every such vessel or boat so sailing or passing out of any port or place contrary to the true intent and meaning of this Act, together with her tackle, apparel, and furniture, shall be forfeited to His Majesty, his heirs and successors, and the master of, and every mariner sailing in such vessel or boat, shall severally forfeit and pay the sum of two hundred pounds.

Power to Consuls, etc., to administer oaths.

28. And be it further enacted, That the Consuls and Vice-Consuls of His Majesty, his heirs and successors, shall and are hereby empowered to administer oaths in all cases respecting quarantine, in like manner as if they were Magistrates, of the several towns or places where they respectively reside.

Persons authorised to take examinations may administer oaths, and persons swearing falsely, or procuring others so to do, shall be deemed guilty of perjury.

29. And be it further enacted, That in all cases wherein by virtue of this Act, or any other Act hereafter to be made touching quarantine, any examination or answer shall be taken or made upon oath, the person who shall be authorised and required to take such examinations and answers, shall and may be deemed to have full power and authority to administer such oaths; and if any person who shall be interrogated or examined shall wilfully swear falsely to any matter concerning which such person shall depose or make oath on such examination, or in such answer, or if any person shall procure any other person so to do, he or she so swearing falsely, or procuring any other person so to do, shall be deemed to having been guilty of, and shall be liable to be prosecuted

for perjury, or subornation of perjury, as the case may be, and shall suffer the pains, penalties, and punishments of the law in such case respectively made and provided.

30. And be it further enacted, That all superintendents of quarantine at the several ports, and their assistants, shall and may be appointed by any instrument signed by the Commissioners of Customs for the time being; and everything required to be done and performed by the superintendent of quarantine, or his assistant, may, in the case of the absence or sickness of such superintendent or assistant, be done and performed by such principal officers of the Customs as shall be authorised to act in that behalf.

Superintendents at ports to be appointed.  
Principal officer of the Customs to act as superintendent of quarantine in case of absence, etc.

31. And be it further enacted, That the publication in the *London Gazette* of any Order in Council, or of any Order by any two or more of the Lords or others of His Majesty's Privy Council, made in pursuance of this Act, or His Majesty's Royal Proclamation made in pursuance of the same, shall be deemed and taken to be sufficient notice to all persons concerned of all matters therein respectively contained.

Publication in the *London Gazette* of Orders of Council, etc., sufficient notice.

32. And be it further enacted, That all forfeitures and penalties that shall be incurred by reason of any offence committed against this Act shall and may be recovered by suit in any of His Majesty's Courts of Record in England or Ireland, in which no essoign or wager of law, or more than one imparlance shall be granted; or in Scotland by summary action in the Court of Session, or by prosecution before the Court of Justiciary there, or by suit in any of His Majesty's Courts in the islands of Guernsey, Jersey, Alderney, Sark, or Man; and every such forfeiture and penalty shall belong and be given, two-thirds to the person who shall inform and sue for the same, and the remainder to His Majesty, his heirs and successors.

Recovery and application of penalties.

33. Provided always, and be it further enacted, That it shall not be lawful for any person or persons whatsoever to commence, prosecute, enter, or file, or cause or procure to be commenced, prosecuted, entered, or filed, any action, bill, plaint, information, or prosecution, or actions, bills, plaints, informations, or prosecutions in any of His Majesty's Courts in England, Ireland, or Scotland, or any proceeding or proceedings before any Justice of the Peace of any county, riding, division, city, town, stewartry, or place, for the recovery of any fine, penalty, or forfeiture, incurred by reason of any offence committed against this Act, or against any Order or

In whose name actions for penalties in England, Ireland, or Scotland, must be prosecuted.

Orders made by His Majesty, his heirs or successors, in Council, or by two or more of the Lords or others of His Majesty's Privy Council as aforesaid, unless the same be commenced, prosecuted, entered, or filed in the names of His Majesty's Attorney-General in England or Ireland, or Advocate in Scotland respectively, or under the direction of the Commissioners of the Customs, and in the name or names of some officer or officers of the Customs in England, Ireland, or Scotland respectively: and if any action, bill, plaint, information, or prosecution, actions, bills, plaints, informations, or prosecutions, or any proceeding or proceedings before any Justice as aforesaid, shall be commenced, prosecuted, entered, and filed in the name or names of any other person or persons than is in that behalf before mentioned, the same shall be and are hereby declared to be null and void.

In prosecutions by officers of the Customs, the Attorney-General in England, or Ireland, or Advocate in Scotland, may stop proceedings.

34. Provided also, and be it further enacted, That in case any prosecution, suit, complaint, or other proceeding as aforesaid, shall be commenced or depending by any officer or officers of the Customs, for the recovery of any fine, penalty, or forfeiture, fines, penalties, or forfeitures, incurred by reason of any offence committed against this Act, or against any Order or Orders made by His Majesty, his heirs or successors, in Council, or by any two or more of the Lords or others of His Majesty's Privy Council as aforesaid, it shall and may be lawful for His Majesty's Attorney-General in England or Ireland, or Advocate in Scotland, respectively, to stop all further proceedings therein, as well with respect to the share of such fine, penalty, or forfeiture, fines, penalties, or forfeitures, to which any such officer or officers shall or may claim to be entitled, as to the share thereof belonging to his Majesty, if upon consideration of the circumstances under which any such fine, penalty, or forfeiture, fines, penalties, or forfeitures, may be incurred, it shall appear to them respectively to be fit and proper so to do.

Offences not being felony, and offences for which no specific penalty is provided, may be determined before three Justices, who may fine or imprison.

35. And be it further enacted, That all offences committed against any of the provisions of this Act, for which no specific penalty, forfeiture, or punishment is provided by this Act, shall and may be tried, heard, and determined before any three Justices of the Peace of the county, riding, division, city, or place where such offence or disobedience shall happen; and if any person shall be convicted of any such offence or disobedience, he or she shall be liable to

such forfeiture and penalty not exceeding the sum of five hundred pounds for any offence, or to such imprisonment, not exceeding twelve months for any one offence, as shall in the discretion of the three justices who shall have heard and determined the same, be judged proper; and such forfeiture and penalty shall be paid, two-thirds to the person suing for the same, and the remainder to His Majesty, to be applied as the proceeds of other forfeitures and penalties are hereinbefore directed to be applied. Application for penalties.

36. And be it further enacted, That in any prosecution, suit, or other proceedings against any person or persons whatsoever, for any offence against this Act, or any Act which may hereafter be passed concerning quarantine, or for any breach or disobedience of any Order or Orders which shall be made by His Majesty, his heirs or successors, with the advice of his Privy Council, concerning quarantine and the prevention of infection, and notified or published as aforesaid, or of any Order or Orders made by two or more of the Lords or others of the Privy Council aforesaid, the answer or answers of the commander, master, or other person having charge of any vessel, to any question or interrogatories put to him by virtue and in pursuance of this Act, or of any Act which may hereafter be passed concerning quarantine, or of any such Order or Orders as aforesaid, may and shall be given and received as evidence, so far as the same relates or relate to the place from which such vessel shall come, or to the place or places at which such vessel touched in the course of the voyage, and where any vessel shall have been directed to perform quarantine by the superintendent of quarantine or his assistant, or where there is no such superintendent or assistant, by the principal officer of the Customs at any port or place, or other officer of the Customs authorised to act in that behalf, they having been so directed to perform quarantine, may and shall be given and received as evidence that such vessel was liable to quarantine, unless satisfactory proof shall be produced by the defendant in any such prosecution, suit, or other proceeding, to show that the vessel did not come from or touch at any such place or places as is or are stated in the said answer or answers, or that such vessel, although directed to perform quarantine, was not liable to the performance thereof; and where any such vessel shall have in fact been put under quarantine at any port or place by the super- Answers of persons having the charge of vessels shall be received as evidence so far as relates to the places from which vessels came or at which they touched; and the having been directed to perform quarantine be received as evidence that vessels were liable, unless proof be made to the contrary; and the performing quarantine shall be proof of vessel's being liable to perform it.

intendent of quarantine or his assistant, or other officer of the Customs authorised as aforesaid to act in that behalf, and shall actually be performing the same, such vessel shall, in any prosecution, suit, or other proceeding, against any person or persons whatever, for any offence against this Act or any other Act which may hereafter be passed concerning quarantine and the prevention of infection, or any Order or Orders which shall be made by His Majesty in Council, or any two or more of the Lords or others of His Privy Council as aforesaid, be deemed and taken to be liable to quarantine, without proving in what manner, or from what circumstance such vessel became liable to the performance thereof.

General  
issue

37. And be it further enacted, That if any action or suit shall be commenced against any person or persons for anything done in pursuance or execution of this present Act, or of any Order of Council made by virtue thereof, the defendant or defendants in such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and in execution of the said Act, and if it shall appear so to have been done, then the jury shall find for the defendant or the defendants; and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared, or if judgment shall have been given upon any verdict or demurrer against

Treble costs. the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same as the defendant or defendants hath or have in other cases

Limitation  
of actions.

by law; and that no such action or suit shall be brought against any person for any matter or thing done in pursuance or execution of this Act, but within the space of six months after such matter or thing shall have been done.



## SECTION THE SIXTH.

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### NOTARIAL PRECEDENTS AND CONSULAR FORMS, ETC.

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#### LIST.

- I. Power of Attorney.
  - II. Wills and last Testaments.
  - III. Protests of Bills.
  - IV. Ships' Protests.
  - V. Protest of Merchants against the Master and Owners, in consequence of the Master not proceeding to sea after signing Bills of Lading.
  - VI. Protest by Shippers of Goods against the Master and Owners of a vessel, in consequence of Master's refusal, after notice, to sign a Bill of Lading in the customary form.
  - VII. Protest by Master of a Vessel, for demurrage and continued detention and delay in providing a cargo and despatching the vessel, according to Charter-party.
  - VIII. Protest of a Master, for demurrage payable under the stipulations of the Charter-party.
  - IX. Bottomry Bond.
  - X. Respondentia Bond.
  - XI. Bottomry Bond, in German.
  - XII. Ditto ditto, in French.
  - XIII. Passport.
  - XIV. Ditto, *visé*.
  - XV. Order of Survey of a Vessel.
  - XVI. Ditto ditto of Damaged Goods.
  - XVII. Survey of Goods.
  - XVIII. Bills of Health (English, French, and Italian).
  - XIX. Manifest of Cargo.
  - XX. Certificate of Origin.
  - XXI. Policy of Insurance.
  - XXII. Bills of Lading.
  - XXIII. Charter-party.
  - XXIV. Seaman's Allotment Note.
  - XXV. Agreement of Foreign-going Ship.
  - XXVI. Indentures of Apprentice.
  - XXVII. Release at Termination of Voyage.
  - XXVIII. Receipt for Wages and Effects of Deceased Seaman.
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- XXIX. Claims for Wages and Effects of Deceased Seaman.  
 XXX. Official Log-book.  
 XXXI. Regulations for maintaining Discipline.  
 XXXII. Form to be used in cases where Shipwrecked Seamen are picked up at Sea and conveyed home.  
 XXXIII. Voucher for Payments by the Master.  
 XXXIV. Form to be used in a Claim to the Admiralty Court for Compensation for a Seaman who volunteered into the Navy from a Merchant Ship.
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#### I.—POWER OF ATTORNEY.

KNOW ALL MEN, by these presents, that \_\_\_\_\_, for divers good causes and considerations \_\_\_\_\_ hereunto moving, have and do hereby make, nominate, and appoint, and in \_\_\_\_\_ place and stead put to be \_\_\_\_\_ true and lawful Attorney for \_\_\_\_\_ and in \_\_\_\_\_ name, and to use to ask, demand, sue for, recover, and receive of and from \_\_\_\_\_ and all and every other persons and person residing at \_\_\_\_\_ who are or is, or shall or may be, liable to pay the same respectively, all and every debt and debts, sum and sums of money, principal money, and interest, dividends, goods, wares, merchandise, profits, proceeds, rents and arrears of rent, dues, duties, effects, and things, of what nature or kind soever, which now are or is, or at any time or times hereafter shall or may be or become due, owing, payable, or belonging or consigned to, or on account of \_\_\_\_\_, on any account whatsoever; and on payment or delivery thereof, or of any part thereof respectively, to give, sign, and execute receipts, acquittances, releases, or other discharges for the same respectively; and on non-payment or non-delivery thereof, or of any part thereof respectively, to bring, commence, carry on, and prosecute any action, suit, or other proceeding whatsoever, for recovering and compelling the payment and delivery thereof respectively. And also to adjust, settle, compound, and compromise all accounts, reckonings, transactions, matters, and things whatsoever, relating to the said several premises respectively; and for all or any of the purposes aforesaid to use the name \_\_\_\_\_ of \_\_\_\_\_ the said \_\_\_\_\_, and one or more substitute or substitutes to appoint, and at pleasure to remove and displace, and another or others to appoint; and generally to do, execute, and perform any other act, deed, matter, or thing whatsoever relative to the premises, as fully, to all intents and purposes whatsoever, as \_\_\_\_\_ might or could do in \_\_\_\_\_ own proper person, in case these presents had not been made \_\_\_\_\_, the

said hereby ratifying and confirming, and agreeing to ratify and confirm, all and whatsoever the said substitute or substitutes shall lawfully do, or cause to be done, in or about the premises, by virtue and in execution of these presents. In witness whereof the said have hereunto set hand and seal, the day of , one thousand eight hundred and forty .  
Signed, sealed, and delivered in the presence of

## 2.—WILLS.

### *Heading of a Will.\**

THIS IS THE LAST WILL AND TESTAMENT of me,  
Firstly, I desire that all my just debts, funeral and testamentary expenses be paid and satisfied by my execut hereinafter named, as soon as conveniently may be after my decease.

### *Ending of Will.*

And I do † nominate, constitute, and appoint ‡ to be execut of this my Will, and hereby revoking all former or other Wills by me at any time heretofore made, I declare this to be my last Will and Testament. §

In Witness whereof, I the said have to this my last Will and Testament set my hand, the day of in the year of our Lord one thousand eight hundred and fifty .

Signed and declared by the said the Testator, as and for his last Will and Testament in the presence of us, who at his request, in his presence and in the presence of each other, have hereunto subscribed our names as witnesses.

### 1.—*Form of a Will, where the Property is given to one or more Persons absolutely.*

And, Secondly, I give, devise, and bequeath unto all and every my household furniture, linen, wearing apparel, books, plate,

\* The heading to Will No. 5 is different, and is to be worded only, "This is the last Will and Testament of me, , wife of , of ."

† In Will No. 6, add "hereby."

‡ In No. 4, put here "My said wife, sole executrix of this my Will," instead of, "to be execut of this my Will." In Will No. 6, add "the said," and leave out the words "to be."

§ The ending of No. 3 is quite different down to here; it afterwards proceeds as above.

pictures, china, horses, carriages, carts; and also all and every sum and sums of money which may be in my house or about my person, or which may be due to me at the time of my decease; and also all other my monies invested in stocks, funds, and securities for money, book-debts, money on bonds, bills, notes, or other securities; and all and every other my estate and effects whatsoever and wheresoever, both real and personal, whether in possession, reversion, remainder, or expectancy, to and for                      own use and benefit, absolutely.

*2.—Form of a Will, where the Property of Testator is left to Wife for life, and after her death to Children absolutely.*

And, Secondly, I give, devise, and bequeath unto                      and as to all the rest, residue, and remainder of my estate and effects whatsoever and wheresoever, both real and personal, whether in possession, reversion, remainder, or expectancy, I give, devise, and bequeath the same unto                      executors and administrators, Upon trust, to permit and suffer my dear wife to have the use and enjoyment of all such parts thereof as shall not yield income, and to invest the residue of such of my estate as shall not have been applied in payment of my debts, and funeral and testamentary expenses and legacies, in some or one of the Government stocks or funds of Great Britain (not being terminable Annuities), and to pay the dividends and produce thereof; and also the dividends, interest, or annual produce of all such other parts of my said estate as shall yield income, unto my dear wife during the term of her natural life: and from and after her decease, I give, devise, and bequeath the same and every part thereof unto and among all and every my children, both sons and daughters, who shall be living at the time of the decease of my said wife, in equal shares and proportions, and the issue of such of them as shall be dead (such issue taking only the share to which their deceased parent, if surviving, would have been entitled), to and for                      own use and benefit absolutely.

*3.—Form of a Will, where the Property of Testator is left to Executors in Trust to be sold, and proceeds paid to devisees.*

Secondly, I give, devise, and bequeath all and every my household furniture, linen, wearing apparel, books, plate, pictures, china, horses, carriages, carts; and also, all and every sum and sums of money which may be in my house or about my person, or which may be due to me at the time of my decease; and also, all other my monies invested in stocks, funds, and securities for money, book-debts, money on bonds, bills, notes, or other securities; and all and every other my estate and

effects whatsoever or wheresoever, both real and personal, whether in possession, reversion, remainder, or expectancy, unto                      and the survivor of them, and the executors and administrators of such survivor, Upon trust, as soon as conveniently may be after my decease, to collect, get in, and receive such parts thereof as shall consist of money, or securities for money, and to sell and dispose of the residue of my said estate and effects, either by public auction or private contract, as to my said executor                      shall seem meet. And when and so soon as the whole of my estate, real and personal, shall have been converted into money, and received, Upon trust to pay                      equal part or share thereof unto                      of for                      own use and benefit, and to pay                      other equal part or share thereof unto                      of for                      own use and benefit, and to pay one other equal part or share thereof unto                      of                      for own use and benefit, and to pay over the remaining equal part or share thereof unto                      of                      for                      own use and benefit. And I hereby declare, that the receipt or receipts of the execut                      of this my Will to the purchaser or purchasers of any part of my estate or effects, real, or personal, shall be a good and sufficient discharge for so much money as in such receipts shall be expressed to be received. And I do hereby nominate, constitute, and appoint                      executor of this my Will. And I do hereby declare, that my said executors and the survivor of them, and the executors and administrators of such survivor, shall and may out of the monies that shall come to their or either of their hands, deduct, retain, and reimburse to themselves and himself respectively, all costs, charges, and expenses which they or either of them may sustain or incur in and about the execution of the trusts of this my Will; and that neither of them shall be answerable for any loss which may happen to the said trust premises, unless the same shall happen by or through his or their own act, neglect, or default; neither shall the one be answerable for the other of them; nor shall either of them be answerable for more monies than shall actually come into his hands by virtue of this my Will.

*4.—Form of a Will, where the Property is given to Wife absolutely.*

Secondly, I give and bequeath all my household furniture, plate, linen, china, books, pictures, wearing apparel, wines, liquors, and other effects, and also all sum and sums of money which may be due, owing, or belonging to me at my decease, or which may be invested in or upon any stocks, funds, or other securities; and also, all other my estate



part as they in their discretion shall think fit, of the interest, dividends, and annual produce arising from the share or shares of such of my children whose share or shares, or the interest, dividends, and annual produce of whose share or shares shall not have become payable to them under the terms of this my Will, in and towards their maintenance and education. And I declare that the shares of all my said children shall be considered as vested interests, and, as to sons, shall be paid or transferred to them on attaining the age of twenty-one years. But my will and mind is, notwithstanding anything hereinbefore contained, that the respective shares of my said daughters shall not absolutely vest in or be paid to them, but that the said shares of each of them my said daughters shall be held by my said trustees in their own names, upon trust, that they, and the survivor of them, or the trustees or trustee for the time being of this my Will, do and shall, from time to time, when and after my said daughters shall have attained their age of twenty-one years respectively, or have married, which shall first happen, during the natural life of each of them my said daughters, pay, or cause to be paid, all the interest, dividends, and annual produce of the respective share of such daughter of and in the said trust monies as the same shall accrue and be received, into the proper hands of such daughter respectively, or to such person or persons as she in writing signed with her own proper hand shall, notwithstanding any coverture, direct and appoint for her sole and separate use, benefit, and disposal, free from the power, control, debts, and engagements of any her husband, and the receipt or receipts of such daughter alone, or of such person or persons to whom she shall so direct or appoint the same to be paid as aforesaid, shall be a good and effectual discharge for so much of the said interest, dividends, and annual produce as shall be therein expressed and acknowledged to be received. And from and after the decease of each of them my said daughters respectively, I direct that my executors, or the trustees or trustee for the time being of this my Will, shall stand possessed of and interested in the share or shares of such daughter or daughters respectively, in trust for such person and persons as such daughter or daughters respectively shall, by deed or will, notwithstanding coverture, or whether covert or sole appoint, and in default of any such appointment, or so far as any such appointment (if incomplete) shall not extend, in trust for such of them my said daughter or daughters respectively, their respective executors, administrators, and assigns, to be applied as part of their personal estate. And in case any or either of my said children shall die, being a son or sons, before the age of twenty-one years, or, being a daughter or daughters, before the like age, or being married, which shall first happen, then and in

such case the share or shares intended for him, her, or them so dying as aforesaid, shall be in trust for the survivors or survivor of such my said children, to be divided, if more than one, in equal shares and proportions amongst them, and if only one, then in trust for such only child, his, her, or their respective executors, administrators, or assigns, and to be vested interests in him, her, or them respectively. Nevertheless, the share or shares therein of my said daughters or daughter respectively to be subject to such limitation and settlement as is hereinbefore contained respecting their respective original share or shares. And I hereby declare that the receipt or receipts of my executors, or the trustees or trustee, for the time being, of this my Will, to the purchaser or purchasers of any part of my estate or effects, or to any person or persons who shall have any of the trust monies in their, his, or her hands, shall be a good and sufficient discharge for so much money as in such receipt or receipts shall be expressed to be received. And I further direct that in case either of my executors hereinafter named, or any future trustee or trustees to be appointed under this provision in their place, or the place of any of them, who shall die, or become unwilling or unable to act in the aforesaid trusts before the said trusts shall be fully executed and performed, then, and as often as the same shall happen, it shall be lawful for the surviving or continuing trustee or trustees of this my Will, or the executors or administrators of the last surviving trustee, to nominate any fit person or persons to supply the place or places of the trustee or trustees respectively so dying, or becoming unwilling or unable to act as aforesaid. And that immediately after every such appointment, the said trust monies, stocks, funds, or securities shall be assigned and transferred so that the same may vest in such new trustee or trustees jointly with the surviving or continuing trustee or trustees, or in such new trustee or trustees solely, as the case may require, subject to the trusts aforesaid, and such new trustee or trustees shall be competent to exercise all the powers and authorities whatsoever hereinbefore contained, in the same manner, to all intents and purposes, as if he or they had been appointed trustee or trustees in and by this my Will. And I do hereby declare that my said executors hereby appointed, and also the trustee or trustees to be appointed, by virtue of the provision lastly hereinbefore contained, severally and respectively, and their several and respective heirs, executors, and administrators, shall be charged and chargeable with such sums of money only as they shall respectively actually receive by virtue of the trusts hereby reposed in them, notwithstanding their joining in signing any receipt or receipts, or doing any other act, for the sake of conformity, and that they, or any of them, shall not be answerable or accountable for any misfortune, loss,



or damage which may happen in the execution of the aforesaid trusts, or in relation thereto (except the same shall happen by or through his, her, or their own wilful act, neglect, or default), and in that case each person shall be answerable only for such loss or damage as shall arise from his own act, neglect, or default. And I do further declare that my executors herein named, and such future trustee or trustees to be appointed as aforesaid, severally and respectively, and their several and respective heirs, executors, and administrators, shall and may, out of the monies which shall come to their hands by virtue of the trusts aforesaid, deduct, retain, and reimburse to himself and themselves respectively all costs, charges, and expenses which they, or any of them, may sustain or incur in or about the execution of the trusts of this my Will.

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#### FORMS OF SPECIAL LEGACIES AND BEQUESTS.

##### *Pecuniary Legacies.*

I give and bequeath unto (*name and description of legatee*) the sum of \_\_\_\_\_ sterling money, to be paid to (*him or her*) immediately (or "*within one*" or "*six calendar months*," as may be purposed) after my decease (*free of legacy duty*).

NOTE.—Care should be taken to give such a proper description of the legatee, as that no doubt may be entertained as to the person intended; also, as to the time within which the legacy is to be paid, if an early payment is intended. Where no time is specified for the payment, the executor, generally speaking, is by law allowed twelve months for the purpose. And, if it is to be free of legacy duty, it should be so stated.

Where several legacies are given, they may be thus assembled:

"I give and bequeath the following sums to the persons hereinafter mentioned; that is to say, to (*name and description of the legatee*) the sum of \_\_\_\_\_; to (*name, etc.*) the sum of \_\_\_\_\_, etc., etc."

Or,

"I give and bequeath unto each of my friends (*names and descriptions*) the sum of \_\_\_\_\_, and a mourning ring of the value of \_\_\_\_\_."

Or,

"I give and bequeath unto my friend (*name and description*) the sum of \_\_\_\_\_, to purchase a mourning ring or other memorial of me."

*Legacy to Executor.*

“ I bequeath to my friend and executor (*name and description*) the sum of \_\_\_\_\_, as a remembrance of me, and as some remuneration for the trouble he may be put to in the execution of this my will.”

*Legacy to a Married Woman for her own separate use.*

“ I give and bequeath unto (*name and description*), wife of \_\_\_\_\_, the sum of \_\_\_\_\_, to be paid into her own proper hands, in order that the same may be enjoyed and disposed of by her as her own separate property, free from the control of her present or any future husband, and for which said legacy her receipt shall be a sufficient discharge.”

*Legacies to Servants.*

“ I give to my old and faithful servant (*name and description*) the sum of \_\_\_\_\_; also a suit of mourning.”

Or,

“ I give to my servant (*name and description*) if (*he or she*) shall continue in my service to the time of my decease, the sum of \_\_\_\_\_.”

Or,

“ I give to each of my domestic servants who shall be in my service at the time of my decease (or, “who at the time of my decease shall have been in my service for \_\_\_\_\_ years or upwards”) the sum of \_\_\_\_\_.”

*Specific Bequest of Stock.*

I give and bequeath to (*name and description*) the sum of £ \_\_\_\_\_ Three per Cent. Consolidated Bank Annuities (*or other Stock, as the case may be, to be properly described as on the printed transfer of the said Stock*) now standing in my name in the books of the Governor and Company of the Bank of England. (And I direct that the said legacy be deemed a specific legacy.)”

NOTE.—In this case the amount of Stock, and not its value in money, is bequeathed; hence, by any alteration of circumstances, in the event of the testator not possessing such an amount or such description of Stock at the time of his death, the legacy could not take effect. To obviate such a contingency the words between ( ) may be omitted, and replaced by the following :

*Bequest of Stock not to be Specific.*

“ And if it shall happen that at the time of my decease I be not possessed of the amount of £ \_\_\_\_\_ Three per Cent. Consolidated Bank Annuities (*or other Stock as the case may be*), then I direct my executor to purchase or otherwise make up that sum out of my personal estate, and to transfer the same to the said \_\_\_\_\_ for (*his or her*) own absolute use.”

*Bequest of a Legacy to be paid on Legatee's coming of age.*

" I give and bequeath unto \_\_\_\_\_ the sum of \_\_\_\_\_ to be paid to (*him or her*) when (*he or she*) shall attain the full age of twenty-one years. And I direct that, notwithstanding the postponement of the time of payment, the said legacy shall become vested in the said \_\_\_\_\_ immediately on my decease."

If it be intended that the legacy shall not vest unless the legatee attain a certain age, the following will be the form of words :

“ I give and bequeath unto \_\_\_\_\_ the sum of \_\_\_\_\_ when  
(*he or she*) shall attain the age of \_\_\_\_\_ years ; and I further direct  
that the said legacy shall not vest or be paid to the said  
unless (*he or she*) shall attain that age.”

**Or, if it be desired that the legacy shall not lapse by death of the legatee, the following will be the directions necessary for that object:**

“And I further direct that, in case the said \_\_\_\_\_ shall depart this life before my decease, the legacy of \_\_\_\_\_, hereinbefore given to *(him or her)*, shall not hereby lapse; but in such case, I hereby give and bequeath the aforesaid sum of \_\_\_\_\_ to the executors and administrators of the said \_\_\_\_\_ to vest in them as part of the personal estate of the said \_\_\_\_\_.”

And whereas, if the net proceeds of the estate should fall short of paying all the legacies, they will be subject to proportionate abatement, the following directions for giving precedence of payment of a particular legacy, may meet the wishes of some testators :

"I give and bequeath to \_\_\_\_\_ the sum of \_\_\_\_\_ to be paid in precedence of all other pecuniary legacies bequeathed by this my Will."

**In the case of a postponed legacy to a minor, the following form, directing the trustees to invest the amount and apply the proceeds for the benefit of the legatee, will be found applicable :**

“ And I direct that the legacy of \_\_\_\_\_, hereby given to (*name of legatee*), be paid to (*him or her*) when (*he or she*) shall arrive at the age of \_\_\_\_\_ years; and my desire is, that until the said period shall arrive, the trustees and executors of this my Will do lay out the said sum of \_\_\_\_\_ in Public Funds or Parliamentary Stocks

of Great Britain, to accumulate for the benefit of the said , with full power to the said trustees and executors to pay and apply the dividends and interest thereof respectively, or so much thereof as they may deem proper towards the maintenance (or “education,” or “maintenance and education,” as the case may be) of the said .”

*Form of Bequest of Personal Estate to one person for life, with the reversion thereof to another.*

“I give and bequeath unto (*name and description of legatee*) all (*describe the property*) for the term of (*his or her*) natural life; and from and after (*his or her*) decease, I give and bequeath the same unto (*name and description of reversioner*) for (*his or her*) sole and exclusive use and benefit.”

*Form of a Bequest of an Annuity, with Directions that Government Stock be set apart for paying the same.*

“I give and bequeath unto (*name and description of annuitant*) one annuity of                      per annum, to commence from the day of my decease, and to be paid quarterly, free of all deductions, charges, or expenses whatsoever; and I hereby direct the trustees and executors of this my Will within                      calendar months after my decease, to set apart and invest in their names sufficient funds in the Consolidated and Reduced Three per Cent. Stocks, or either of them (*or such other investment as the testator may appoint*) for the purpose of answering the said annuity, and in the meantime to pay the amount of the same out of my personal estate.”

*Directions that an Annuity bequeathed to a Married Woman is to be for her sole and separate use.*

“And I direct the annuity hereby bequeathed unto (*name and description*) to be paid to her for her sole and separate use and benefit, and independent of any control of her present or any future husband, and without being in any wise subject to his or their debts, claims, or demands; and that the receipt of the said (*name of annuitant*), notwithstanding her present or any future coverture, shall be a good and sufficient discharge for the same.”

*Directions to Executors and Trustees to purchase an Annuity for the benefit of Testator's Nominee.*

“I hereby direct the executors and trustees of this my Will, within                      calendar months after my decease, to purchase in the name and for the benefit of (*name and description of annuitant*) one annuity for (*his or her*) life; such annuity not to be redeemable; and I leave it to the discretion of my said executors to purchase the same

either from Government or of any well established public company, or on any private security; provided always that if purchased from any private person or persons whatsoever, the same shall be well secured on freehold, leasehold, or copyhold property. And I further direct that until such purchase shall be made, a sum equal to the annual amount of such annuity shall be paid out of my personal estate unto the said (*name of annuitant*) in equal quarterly portions, the first portion to be paid within                      calendar months next after my decease."

*Legacies to Charitable Uses.*

"I bequeath to (*describe the principal officer of the Charitable Institution which the legacy is to benefit, as for instance, the "Treasurer," the "Master," etc.*) of (*describe the Institution*) the sum of                      to be applied to the purposes of that institution; such legacy to be paid out of such part of my personal estate (not specifically bequeathed) as by law may be appropriated by will to charitable purposes."

Or,

"I bequeath the sum of                      to be applied to such charitable uses (*within the county of*                      , *or within the parish of*                      ) as my executor may think fit."

Or,

"I bequeath to (*the Rev. Mr.*                      , *Incumbent of the parish of*                      ) the sum of                      to be applied to such charitable uses as he shall think proper (*within the said parish*)."

III. PROTESTS OF BILLS.

*Preliminary Heading.*

On the                      day of                      , one thousand eight hundred and                      , I,                      , Her Britannic Majesty's Consul at                      , in the kingdom of                      , at the request of                      the holder or the bearer (*as the case may be*), did cause due and customary presentment to be made of the original bill of exchange,\* whereof a true copy is on the other side written.

\* 1. *For non-acceptance*, here insert, "Unto N. N., the person upon whom the same is drawn, or upon a clerk of N. N., the person upon whom the same is drawn [*as the case may be*]; and acceptance being thereupon demanded, he answered" [here record answer].

2. *Non-acceptance where the drawer's place of business is shut up, and he is become bankrupt or insolvent*.—"Unto the counting-house of N. N., the person upon whom the said bill is drawn, in order to present the same, and to

*Ending.*

Wherefore I, the said \_\_\_\_\_, Her Britannic Majesty's Consul at \_\_\_\_\_, at the request aforesaid, have protested, and by these presents do protest, against the drawer of the said bill and all the parties thereto, and all other parties thereto, and all others concerned, for all exchange, re-exchange, and all costs, damages, and interest, present and to come, for want of\* \_\_\_\_\_ of the said bill. Which I attest,

(Seal.)

N. N.,

Her Britannic Majesty's Consul at \_\_\_\_\_.

demand acceptance thereof; and the door was found fastened, and there was no person there to give an answer; and I am informed that the said N. N. has been declared bankrupt, or suspended payment [as the case may be].

3. *Non-acceptance when the drawer cannot be found, or where there is no such person.*—Leave out remainder, and add, “and careful inquiries to be made at the \_\_\_\_\_ Post-office, and in other proper quarters, for N. N., the person upon whom the said bill purports to be drawn, in order to have demanded acceptance thereof, but was unable to discover him, or to learn any tidings of him, or his residence.”

4. *On non-payment.*—“Unto N. N., the person upon whom the said bill is drawn, and by whom the same is accepted [if so]; and payment being thereupon demanded, he answered” [here state answer].

5. *Non-payment, where the house or place where it is made payable by the acceptance is shut up, and no one is there to give an answer.*—“Unto the counting-house of N. N., where the said bill is made payable by the acceptance, in order to demand payment thereof; and the door was found fastened, and the place shut up, and there was no person there to give an answer, [“and I am informed that the said N. N. has become bankrupt,” etc., as the case may be].”

6. *Act of honour on acceptance, supra protest, by third party.*—“Now protested for non-acceptance, unto the counting-house of N. N., who has declared that he will accept the said bill, *supra* protest, for the honour of N. N., the drawers; holding the drawers and all other proper persons responsible to him the said N. N. for the sum of the said bill of exchange, and for all interest, damages, and expenses. I have therefore granted this Consular Act of honour accordingly. Which I attest,

(Seal.)

N. N.

“Her Britannic Majesty's Consul at \_\_\_\_\_.”

7. *Act of honour on payment, supra protest, by third party.*—“Now protested for non-payment unto the counting-house of N. N., who declared that he would pay the amount of the said bill, *supra* protest, for the honour of N. N., the drawers, and of N. N., the endorsers [as the case may be]; holding the drawers and said endorsers, and all other proper persons, responsible to him the said N. N., for the said sum, and for all interest, damages, and expenses. I have therefore granted this Consular Act of honour accordingly.

“Which I attest,

(Seal.)

N. N.,

“Her Britannic Majesty's Consul at \_\_\_\_\_.”

\* 1, 2, and 3. Add here only “non-acceptance.”

4 and 5. “ ” ” ” “non-payment.”

6 and 7. Ending as above-written under Nos. 6 and 7.

## IV. SHIPS' PROTESTS.

*Heading.*

By this public instrument of Protest, be it known and made manifest unto all people that on this                      day of                      , in the year of our Lord one thousand                      , personally came and appeared before me, N. N., Her Britannic Majesty's Consul at                      , A. B., master of the                      or vessel the                      belonging to                      , C. D., mate, and E. F., seaman of the said vessel, who did severally, duly, and solemnly declare and state as follows; that is to say, (*here narrative of facts as they occurred, with dates, latitude, and minute particulars*).

*Ending.*

and on the same day this appearer, the said A. B., appeared at the office of me, the said Consul, and caused his protest to be duly noted. And these appearers do protest, and I, the said Consul, do also protest, against the aforesaid \* †

We, A. B., C. D., and E. F., do solemnly and sincerely declare that the foregoing statement is correct, and contains a true account of the facts and circumstances, and we make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the sixth year of the reign of His late Majesty, intituled, An Act to repeal an Act of the present Session of Parliament intituled, An Act for the more effectual abolition of Oaths and Affirmations taken and made in various departments of the State, and to substitute declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial oaths and affidavits, and to make other provisions for the abolition of unnecessary Oaths.

A. B.

C. D.

E. F.

Thus declared and protested in due form of law at aforesaid, the day and year first before written. Before me, ‡

(L. S.)

G. H., Her Britannic Majesty's Consul.

\* *If protest is in consequence of storms and bad weather, here insert, "bad weather, gales, storms, accidents, and occurrences, and all loss or damage occasioned thereby."*

† *If in consequence of collision, here insert, "steamer or ship [as the case may be], and the said collision, striking facts, and occurrences, and all loss or damage occasioned thereby."*

‡ *Should the persons be illiterate, here insert, "the said Consul, the said appearers being illiterate persons, the declaration or protest was first read over in their presence, and they seemed perfectly to understand the same, and made their marks thereto in my presence."*

*Certification for Copy of Protest.*

To all to whom these presents shall come, I, N.N., Her Britannic Majesty's Consul at \_\_\_\_\_, do hereby certify that the paper writing hereunto annexed, purporting to be a copy of a protest of the master and part of the crew therein named, of the ship or vessel \_\_\_\_\_, bearing date the \_\_\_\_\_ day of \_\_\_\_\_ last, is a true and correct copy of the said protest, the same having been carefully examined and compared with the original protest, which was made and declared before me, Her Britannic Majesty's Consul at \_\_\_\_\_. In testimony whereof, I have hereunto subscribed my name, and affixed my seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand \_\_\_\_\_.

(Seal.)

N. N.,

Her Britannic Majesty's Consul at \_\_\_\_\_.

**V.—PROTEST BY MERCHANTS AGAINST THE MASTER AND OWNERS, IN CONSEQUENCE OF THE MASTER NOT PROCEEDING TO SEA AFTER SIGNING BILLS OF LADING.**

Proceed as in former Protest, as far as "Her Britannic Majesty's Consul at \_\_\_\_\_." N, N., of the firm of N. N. and Co., who did solemnly declare and state as follows: that is to say, that this appearer and his co-partners, under the said firm of N. N. and Co., did, on the \_\_\_\_\_ day of \_\_\_\_\_ last, ship on board the vessel called the \_\_\_\_\_, M. M. master, at \_\_\_\_\_, then bound on a voyage from \_\_\_\_\_ (*here state the destination, and describe the goods*); and that the said M. M., the master of the said ship, signed the usual bills of lading for the said goods and merchandise, and that soon after this appearer's said firm shipped the said goods on board the said vessel she was ready for sea, and that the wind was fair, and she might have proceeded on her said voyage on or about the \_\_\_\_\_ day of \_\_\_\_\_ last; and that vessels bound to the same port as the said vessel sailed since she was ready for sea, but that she has not done so, although this appearer has repeatedly given notice to and requested the said master to set sail, and proceed with the said vessel, and the said goods on board, on her said intended voyage to \_\_\_\_\_; but that she is still lying and remaining in the port of \_\_\_\_\_. Wherefore (*here finish as in former protest, only adding, instead of "for and in respect of the said refusal," etc., etc., "for all negligence, inattention, and delay," etc. etc.*).



VI.—PROTEST BY SHIPPERS OF GOODS AGAINST THE MASTER AND OWNERS OF A VESSEL, IN CONSEQUENCE OF THE MASTER'S REFUSAL, AFTER NOTICE, TO SIGN A BILL OF LADING IN THE CUSTOMARY FORM.

By this public instrument of Protest, be it known and manifest unto all men, that on the                      day of                      , in the year of our Lord one thousand eight hundred and                      , personally came and appeared before me, A. B., Her Britannic Majesty's Consul at                      , N. N., of the firm of N. N. and Co., the shippers of goods and merchandise for the vessel                      , bound on a voyage to                      ; who did solemnly declare and state, that the goods or merchandise mentioned in the bill of lading hereinafter mentioned were duly shipped on board the aforesaid vessel. That M. M., the master of the said vessel, signed and gave a bill of lading for the                      packages of merchandise therein mentioned, with the words (*here state the Captain's exception*) written at the foot hereof, and the appearer, N. N., objected to the same, having seen the said                      packages of merchandise carefully delivered at                      , alongside the said vessel at                      aforesaid, in the usual manner, and left under the charge of the mate and crew thereof; and that on this                      day of                      instant, this appearer did deliver to said M. M., a notice and demand, signed by the said N. N., of which a copy is hereunto annexed; but the said M. M. refused to comply therewith, or to sign or declare any other bill of lading, in another form.

And the appearer, the said N. N., for himself and his partners, trading under the firm of N. N. and Co., and for and on behalf of all other persons, who are, or shall, or may be interested in the said goods and merchandise, doth declare and protest before me, and I, the said Consul, at the request of the said shippers, N. N. and Co., do protest against the owners, and the said master of the said vessel, for and in respect of the said refusal and neglect to sign and give a correct bill of lading for the said goods, in the usual and customary form, and for all, in respect of all fall of markets, loss, damage, or expenses, which the said shippers, or any other person or persons who is or are, or shall or may be interested therein, have or hath incurred, or may incur, by reason of these premises.

Thus protested in due form, at                      N. N.  
aforesaid, the day and year  
first before written; before me,                      A. B.,  
Her Britannic Majesty's Consul, at                      .

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*Copy of Notice referred to in above.*

We, N. N. and Co., shippers of            packages of merchandise, on board the           , for           , hereby give you notice, that we object to the qualification or exception of            packages in dispute, added without our consent to the bill of lading, signed by you for the said goods for           , and that we hold you and the owners of the vessel responsible for the value and safety of all and every goods which we shall prove to have been delivered at the said vessel; and we demand and require you forthwith to sign and deliver to us a bill of lading for the said goods, in a usual, legal, and customary form; and we give you notice, that in default thereof we protest against you, and hold you and the owners of the vessel responsible for all loss, damage, or expenses, by reason of the premises.

The            day of           , 18   .

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**VII. PROTEST BY MASTER OF A VESSEL FOR DEMURRAGE AND CONTINUED DETENTION AND NEGLECT AND DELAY IN PROVIDING A CARGO AND DESPATCHING THE VESSEL, PURSUANT TO A CHARTER-PARTY.**

(As before, to the words "H. B. M. Consul at           .")

N. N., master of the ship or vessel, the           , belonging to the port of           , who did declare and state that he, this appearer, as such master as aforesaid, did, on or about the            day of            last, let the said ship to freight to M. M. (*here state nature of charter-party, that his voyage was completed, the cargo discharged, and he was ready to take on board another; that they began to load, and then proceed as follows*); and that up to the date and making of these presents they have neglected and have not completed the loading of the said vessel, nor offered or provided sufficient goods for that purpose, and they still continued to detain her at           , although the time hereinbefore mentioned and allowed in and by the said charter-party to the said freighter or his agents, for discharging and reloading the said vessel at            aforesaid is expired, and            days over and beyond the time so allowed have already elapsed; and this appearer did further declare and state that he hath been detained during the            days, and still is detained with his said vessel at           , by reason of delay and neglect of the said freighter aforesaid; and this appearer hath repeatedly, during that time, given notice to and required the

said freighters to complete the said loading, and to despatch the said vessel from \_\_\_\_\_, pursuant to the said charter-party. Wherefore, etc., etc. (*finish as in following protest*).

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VIII. PROTEST BY A MASTER OF A VESSEL FOR DEMURRAGE, PAYABLE UNDER THE STIPULATIONS OF A CHARTER-PARTY.

(As before, unto "H. B. M. Consul.")

N. N., master of the ship called the \_\_\_\_\_, belonging to the port of \_\_\_\_\_, who did declare and state that he, this appearer, as such master as aforesaid, did, on or about the \_\_\_\_\_ day of \_\_\_\_\_ last, let the said ship on freight to M. M., of \_\_\_\_\_, and a charter-party of the said vessel for a voyage (*here state voyage*) was entered into, dated on the said \_\_\_\_\_ day of \_\_\_\_\_ last, and made between this appearer of the one part, and the said M. M. of the other part, for the said voyage, whereby it was amongst other stipulations engaged and agreed (*here state the nature of agreement as to number of days allowed for unloading and loading, etc.*). That this appearer, pursuant to the said charter-party, did receive on board the said vessel, at \_\_\_\_\_ aforesaid, a cargo of lawful goods, provided and shipped by O. O., agents of the said M. M., and thence proceeded therewith on board the said vessel, direct to \_\_\_\_\_, aforesaid, where she arrived on the day of \_\_\_\_\_ instant, where the vessel was reported (*here go on to state nature of detention, number of days consumed, and number of demurrage days, protesting for the amount per day, and total amount*). Wherefore the said appearer, N. N., on behalf of the owners of the said vessel, and on behalf of himself as master, doth protest, and I, Her said B. M. Consul, at his request do also protest against the said freighter, M. M., and against his agents, O. O., and against all and every other person or persons whomsoever responsible, or whom these presents do or may concern, and holding him and them responsible for the breach of the said charter-party, and for all demurrage, loss, damage, wages, and expenses incurred, owing, or sustained, or to be incurred or sustained in consequence of such breach, delay, or detention as aforesaid.

Thus protested, etc., etc. (*as in former Protests.*)

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IX.—(*Usual form*)—BOTTOMRY BOND.

Know all men by these presents, That I, A. B., master of the ship or vessel, called the \_\_\_\_\_, belonging to \_\_\_\_\_, in \_\_\_\_\_, am held and firmly bound unto C. D., of \_\_\_\_\_, in the county of \_\_\_\_\_, merchant, in the sum of \_\_\_\_\_ of lawful British money, to be paid to the said C. D., or his certain attorney, executors, administrators, or assigns; for which payment, well and truly to be made, I bind myself, my heirs, executors, and administrators; and also the said ship or vessel, her tackle, apparel, and furniture, and the freight to be earned by her on her voyage after mentioned, firmly by these presents sealed with my seal. Dated the \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_.

Whereas the said ship, or vessel, is lately arrived at \_\_\_\_\_ from \_\_\_\_\_ aforesaid, and having on her voyage to the port of \_\_\_\_\_ sustained damage, and (*here recite, clearly, the damage and circumstances giving rise to the occasion of taking up money on the adventure and risk of the voyage, and advert concisely to the repairs, etc., which have been necessarily had to enable her to proceed on her voyage*) she is now bound for, and about to return to \_\_\_\_\_ aforesaid; and the said A. B., in order to be enabled to pay for the necessary repairs of the said vessel, and her necessary and lawful disbursements and expenses, and to enable him to proceed to sea with her on the said intended voyage, hath requested the said C. D. to lend and advance the sum of \_\_\_\_\_ for the aforesaid purposes, which the said C. D. hath accordingly done, on the hazard and adventure of the said vessel on her said intended voyage from \_\_\_\_\_ to \_\_\_\_\_ aforesaid; and the said master, A. B., hath taken up the same on the hazard and adventure aforesaid.

Now, the condition of the above obligation is such, that if the said ship or vessel do and shall, with all reasonable and convenient speed, sail from the port of \_\_\_\_\_, aforesaid, on the said intended voyage to \_\_\_\_\_, and that without deviation (the perils, damages, accidents, and casualties of the seas and navigation excepted); and if the above bounded A. B., his heirs, executors, or administrators, or the owners of the said vessel, do and shall, within ten days after the said vessel shall arrive at \_\_\_\_\_, aforesaid, well and truly pay, or cause to be paid, unto the said C. D., his agent, attorney, executors, administrators, or assigns, the said sum of \_\_\_\_\_ of lawful sterling British money, together with \_\_\_\_\_ pounds sterling per centum Bottomry premium thereon; or if on the said voyage the said vessel shall be utterly lost, cast away, or destroyed in consequence of fire, enemies, men-of-war, pirates, storms, or other the unavoidable perils, dangers,

accidents, or casualties of the seas and navigation, to be sufficiently shown, or proved, by the said A. B., his executors, or administrators, or by the owners of the said vessel, their executors, or administrators. Then the above-written bond, or obligation, to be void, otherwise to remain in full force and virtue.

(I.S.)

A. B.

Signed, sealed, and delivered, etc.

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#### X. FORM OF A RESPONDENTIA BOND ON A VOYAGE TO

Know all men by these presents that we, \_\_\_\_\_, commander of the ship \_\_\_\_\_, and \_\_\_\_\_, of \_\_\_\_\_, are held and firmly bound to \_\_\_\_\_, of \_\_\_\_\_, merchant, in the sum or penalty of \_\_\_\_\_ pounds of good and lawful money of Great Britain, to be paid to the said \_\_\_\_\_ or to his certain attorney, executors, administrators, or assigns, to which payment, well and truly to be made, we bind ourselves jointly and separately our heirs, executors, and administrators, firmly by these presents, sealed with our seals, dated this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and \_\_\_\_\_.

Whereas the above-named has, on the day of the date above written, advanced and lent unto the said \_\_\_\_\_ and \_\_\_\_\_ the sum of \_\_\_\_\_ pounds upon the goods and merchandise and effects laden and to be laden on board the good ship or vessel called the \_\_\_\_\_, of the burden of \_\_\_\_\_ tons, or thereabouts, now riding at anchor in the river of \_\_\_\_\_, outward bound to \_\_\_\_\_, and whereof \_\_\_\_\_ is commander, by his acceptance of a bill of exchange to that amount at \_\_\_\_\_ months' date for the account of them the said \_\_\_\_\_ and \_\_\_\_\_.

Now, the condition of this obligation is such, that if the said ship or vessel do and shall, with all convenient speed, proceed and sail from and out of the said river of \_\_\_\_\_, on a voyage to any port or place, ports or places, in \_\_\_\_\_, or elsewhere beyond the \_\_\_\_\_, and from thence do and shall sail, return, and come back, unto the said river of \_\_\_\_\_, at or before the end and expiration of \_\_\_\_\_ calendar months, to be accounted from the day of the date above written, and there to end her said intended voyage (the dangers and casualties of the seas excepted); and if the said \_\_\_\_\_ and \_\_\_\_\_, or either of them, or either of their heirs, executors, or administrators, do and shall, within \_\_\_\_\_ days next after the said ship or vessel shall be arrived at her moorings in the said river of \_\_\_\_\_, from her

said intended voyage, or at or upon the end and expiration of the said  
calendar months, to be accounted as aforesaid (which of the  
said times shall first and next happen) well and truly pay, or cause to  
be paid unto the said , his executors, administrators, or  
assigns, the full sum of pounds of lawful money of Great  
Britain, together with pounds, shillings, of like  
money per calendar month for each and every calendar month, and so  
proportionally for a greater or lesser time than a calendar month for  
all such time, and so many calendar months as shall be elapsed and  
run out of the said calendar months, and over and above  
calendar months, to be accounted from the day of the  
date above written; or if in the said voyage, and within the said  
calendar months, to be accounted as aforesaid, an utter loss of the said  
ship or vessel by fire, enemies, men-of-war, or any other casualties,  
shall unavoidably happen, and the said and ,  
their heirs, executors, or administrators, do and shall, within  
calendar months next after such loss, well and truly account for  
(upon oath, if required,) and pay unto the said , his  
executors, administrators, or assigns, a just and proportionate average  
on all the goods and effects of , carried from , on  
board the said ship or vessel, and the net proceeds thereof, and on all  
other goods and effects which the said shall acquire  
during the said voyage for or by reason of such goods, merchandises,  
and effects, and which shall not be unavoidably lost, then the above-  
written obligation shall be void and of none effect, else to stand in  
full force and virtue.

Signed, sealed, and delivered (being first duly stamped) in the  
presence of

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#### XI.—BOTTOMRY BOND (*German.*)

Ich, unterzeichneter,<sup>1</sup> Schiffer von dem Schiffe<sup>2</sup>  
genannt, bekenne hiermit nachdem Ich auf meiner Reise von<sup>3</sup>  
nach<sup>3</sup> Schaden an meinen Schiff bekommen, und in<sup>4</sup> als  
Nothhafen habe einlaufen müssen zur Reparatur dieses Schadens  
und Unkosten von dem Herrn<sup>5</sup> in<sup>6</sup> empfangen zu haben  
die Summe von<sup>7</sup> worunter<sup>8</sup> für Seegefahr

<sup>1</sup> Name of captain.

<sup>2</sup> Name of ship.

<sup>3</sup> Port of starting, and destination.

<sup>4</sup> Port where the vessel has run into.

<sup>5</sup> Name of lender of money.

<sup>6</sup> Where lender of money is residing.

<sup>7</sup> Amount taken.

<sup>8</sup> Per centage of maritime interest.

begriffen sind, und zwar dieses auf Bodmerei und Gefahr der See, auf meinem Schiffe <sup>1</sup> genannt, und dessen Fracht.

Ich gelobe und verspreche da Ich nun wieder mit meinem Schiffe fertig liege, um nach <sup>2</sup> meine Reise fortzusetzen, obengenannte Summe von <sup>3</sup> oder deren Werth, an die Ordre von Herren <sup>4</sup> oder den ersten Inhaber dieses, gleich nach geschehener glücklicher Ankünfft in Amsterdam wieder zu bezahlen.

Zur Erfüllung des Vorbesagten verpfände Ich mein Schiff und dessen Fracht ohne Ausnahme, und unterwerfe mich zur reellen Execution allen und eines jeden Orts Richtern und Gerichtern; entsage bündigst allem demjenigen, so dagegen auf irgend eine Art eingewendet werden könnte oder möchte. Sollte beim Verunglücken oder Schaden, das dem Schiffe überkommen würde, davon etwas geborgen oder gerettet werden, so soll es zum Vorthelle der Bodmerei kommen.

Zur Befestigung der Wahrheit und alles hierin Erwähnten habe Ich zwei gleichlautende Bodmereibriefe, eines Inhalts, in Gegenwart des Königlichen Britischen Consuls zu <sup>5</sup> unterschrieben, wovon aber, wenn eins bezahlt ist, das andere keinen Werth mehr hat.

<sup>6</sup> den , <sup>6</sup> 18 .

Das obige Verhandlung, in meiner Gegenwart geschehen, bezeuge Ich durch meines Namens Unterschrift und officiales Siegel.

, <sup>6</sup> den , <sup>6</sup> 18 .

Königlicher Britischer Consul.

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## XII. BOTTOMRY BOND (*French*).

JE soussigné , demeurant à , maître après Dieu du bâtiment nommé , du port de tonneaux ou environ, à présent devant le port et hâvre de , confesse avoir reçu en argent comptant, à la grosse aventure de la mer, de vous la somme de francs, tant sur le corps, quille, agrès, apparaux, et avitaillemens, que pour subvenir, au paiement et acquittement des droits et devoirs dus de mon bâtiment, ensemble le frais et avitailles; de laquelle somme ledit court tous les risques de la mer, et autres quelconques, jusqu'à ce que je sois arrivé et aie mouillé mes ancres audit lieu de . Ce qu'étant fait, je promets et m'oblige

<sup>1</sup> Name of ship.

<sup>2</sup> Port of destination.

<sup>3</sup> Amount taken.

<sup>4</sup> Names of lenders.

<sup>5</sup> Port where Consul resides before whom Bottomry Bond is made.

<sup>6</sup> Date of Bond.

<sup>7</sup> Signature and seal of Consul.

de payer audit , ou à son ordre, la somme de francs, dans laquelle somme est compris le bénéfice de grosse à raison de francs pour cent, à cause desdits risques, lui affectant et hypothéquant, pour cet effet, mon bâtiment, agrès, apparaux, fret, et tous mes biens, tant meubles qu'immeubles, présens et à venir; et par exprès j'oblige ma personne, conformément à l'ordonnance; et en cas de perte totale ou de prise jugée bonne, je serais quitté et déchargé du paiement en principal et bénéfice; mais s'il se sauve quelque chose, il demeurera affecté au susdit prêt à la grosse, suivant les us et coutumes de la mer. En foi de quoi j'ai signé deux obligations d'une même teneur; et l'une étant accomplie, l'autre demeurera de nulle valeur. Veux et entends, en outre, que la susdite obligation de grosse ait autant d'effet et valeur que si elle avait été passée devant notaire, et en présence des témoins.

Fait à

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### XIII. PASSPORT.

We, N. N., Her Britannic Majesty's Consul at , request and require, in the name of Her Majesty, all those whom it may concern, to allow (*here state name, profession, etc.*) to pass freely, without let or hindrance, and to afford every assistance and protection of which may stand in need.

Given at the British Consulate at , the day of , 18 .

(Seal)

(Signature)

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### XIV. PASSPORT VISÉ.

*English.*—Seen at the Royal British Consulate, and good for the voyage to

*French.*—Vu au Consulat Britannique près  
Bon pour se rendre au  
or, Bon pour

*Italian.*—Visto in questo Consolato Britanico. • Buono per

*German.*—Geschen beim Königlichen Britischen Consulate zu  
und gültig für die Reise nach  
, den , 18 .



## XV. ORDER OF SURVEY OF A VESSEL.

British Consulate, , 18 .

Gentlemen,—On the requisition of Mr. , Master of the British , called the , I hereby request you jointly and severally to examine and inspect the said vessel, and to report as to the cause of the leak which obliged her to put into this port (*or as the case may be.*)

I have the honour to be, etc.,

(L. s.)

(Consul's Signature.)

To Mr. , Master of the  
 „ Mr. , Shipwright.

## XVI. ORDER OF SURVEY OF DAMAGED GOODS.

Gentlemen,—On the requisition of Mr. , I hereby request you jointly and severally to examine and inspect the cargo of (or as the case may be) which has been landed from the British , called the , Master, and now warehoused in the (*describe the store*), in order to declare the actual condition of the said cargo as to sea damage.

I have the honour to be,

(L. s.)

(Consul's Signature.)

To Messrs. , Merchants.  
 „ „ ditto.

## XVII. SURVEY OF GOODS.\*

Pursuant to the annexed Order of Survey unto us directed, we hereby declare that we repaired to the store (*describe the store*) and then and there particularly viewed, examined, and surveyed, (*describe the goods*) from on board the , whercof is Master, from , as the same were produced and shown to us by ; and we find after due inspection, the said to be (*as the case may be*). This we have done, and do now report at under our hands and seals this day of , 18 .

(Signatures of Surveyors.)

Signed before me, Her Britannic Majesty's Consul, the day and month above stated.

(L. s.)

(Consul's Signature.)

\* Green on the Consular Service.

XVIII. (*Clean*) BILL OF HEALTH in *English*.

We, A. B., Esq., Her Britannic Majesty's Consul at \_\_\_\_\_, do hereby certify that \_\_\_\_\_, called the \_\_\_\_\_ of \_\_\_\_\_, burthen per Register \_\_\_\_\_ tons, commanded by \_\_\_\_\_, navigated by \_\_\_\_\_ men, and having on board \_\_\_\_\_ passengers, being in all \_\_\_\_\_ persons on board, leaves this port of \_\_\_\_\_ in free pratique (*or*, in quarantine), bound for \_\_\_\_\_.

We further certify that good health is enjoyed in this town and the adjacent country, without any suspicion of plague or contagious distemper whatsoever.

In witness whereof, we have hereunto set our hand and seal of office, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

(L. S.) (Signature of Consul.)

BILL OF HEALTH in *French*.

Nous, A. B., Consul de Sa Majesté Britannique, &c.

Certifions que le Navire sous pavillon \_\_\_\_\_ de tonneaux \_\_\_\_\_, appelé \_\_\_\_\_, et commandé par \_\_\_\_\_, part en libre pratique (*or* "en quarantaine") pour \_\_\_\_\_ Il a \_\_\_\_\_ hommes d'équipage y compris le capitaine, conformément au rôle, et \_\_\_\_\_ passagers. En tout on est \_\_\_\_\_ personnes à bord. Le chargement est composé de \_\_\_\_\_ conformément au manifeste particulier des marchandises. Toutes les personnes à bord sont en bonne santé.

Notre ville et ses environs jouissent, grâce à Dieu, d'une parfaite santé.

Donné à \_\_\_\_\_ le \_\_\_\_\_, 18 \_\_\_\_.

Le Consul d'Angleterre.

(L. S.)

(Signature.)

BILL OF HEALTH in *Italian*.

Il Regio Consolato Britannico in

Fa piena ed indubitata Fede, che questo porto e questa provincia (*or*, quest' Imperio) sono (Iddio lodato) sani e liberi d'ogni minimo sospetto di qualsiasi mal contagioso, e partendo da qui in libera pratica il (*here put what vessel is*) di Bandiera Britannica nominato (*name*) della portata di tonnellate (*tonnage*) diretto dal capitano (*name of captain*) con l'equipaggio di persone (*number of crew*) passeggeri (*number of passengers*) in tutto persone (*total number of people*) esso capitano compreso con carico (*cargo*) per recarsi in (*port of destination*) venne

esso munito del presente ampio documento per valersene ovunque approdi, potendo a quest' imbarcazione essere data sicura e spedita pratica. Il di , 18 .

Il Regio Console Britannico,

(L. s.)

(Signature.)

XIX. MANIFEST OF CARGO.

British Consulate at  
Manifest of merchandise laden on board the British  
called the , of master, burthen by  
register tons, or thereabouts, bound for

Shippers.	Consignee.	Mark and Numbers.	Packages.	Description.

I hereby declare the above to be a true and faithful manifest of all the merchandise laden on board the said vessel under my command.

(Master's Signature.)

Appeared personally before me, the above-named master of the British called the , of , who signed the foregoing in my presence, and declared it to be a true and correct manifest of all goods or merchandise laden on board his vessel in this port. In witness whereof I have hereunto set my hand and seal of office at , this day of , 18 .

(L. s.)

(Consul's Signature.)

XX. CERTIFICATE OF ORIGIN, OR GROWTH, OR MANUFACTURE OF PRODUCE.

Personally appeared before me, A. B., Her Britannic Majesty's Consul, C. D., merchant of , and made oath that , containing , weighing net or thereabouts , marked , No. , (or as the case may be), and shipped on board the ship or vessel called , of , bound for , is really and bonâ fide the growth, produce, and manufacture of , and was grown, produced, or manufactured at , in the kingdom of (or as the case may be.)

(Signature of Appearer.)

Sworn before me, this day of , 18 .

(L. s.)

(Signature of Consul.)

## XXI. POLICY OF INSURANCE.

In the Name of God, Amen.

as well in        own name, as for and in the name and names of all and every other person or persons to whom the same doth, may, or shall appertain, in part or in all, doth make assurance, and cause        , and them, and every one of them, to be insured, lost or not lost, at and from        upon any kind of goods and merchandises, and also upon the body, tackle, apparel, ordnance, munition, artillery, boat, and other furniture, of and in the good ship or vessel, called the        , whereof is master, under God, for this present voyage, or whosoever else shall go for master in the said ship, or by whatsoever other name or names the said ship, or the master thereof, is or shall be named or called; beginning the adventure upon the said goods and merchandises, from the loading thereof, aboard the said ship, at        upon the said ship, etc.        , and so shall continue and endure, during her abode there, upon the said ship, etc. And further, until the said ship, with all her ordnance, tackle, apparel, etc., and goods and merchandises, whatsoever, shall be arrived at        upon the said ship, etc., until she hath moored at anchor twenty-four hours in good safety; and upon the goods and merchandises until the same be there discharged and safely landed. And it shall be lawful for the said ship, etc., in this voyage, to proceed and sail to, and touch and stay at any port or places whatsoever and wheresoever, without prejudice to this insurance. The said ship, etc., goods and merchandises, etc., for so much as concerns the assureds, by agreement between the assureds and assurers in this policy, are and shall be valued at

Touching the adventures and perils which we the assurers are contented to bear, and do take upon us in this voyage; they are of the seas, men-of-war, fire, enemies, pirates, rovers, thieves, jettisons, letters of mart and counter mart, surprisals, takings at sea, arrests, restraints, and detainments of all kings, princes, and people, of what nation, condition, or quality soever: barratry of the master and mariners, and of all other perils, losses, and misfortunes that have, or shall come to the hurt, detriment, or damage of the said goods and merchandises, and ship, etc., or any part thereof. And in case of any loss or misfortune, it shall be lawful to the assureds, their factors, servants, and assigns, to sue, labour, and travel for, in and about the defence, safeguard, and recovery of the said goods and merchandises, and ship, etc., or any part thereof, without prejudice to this insurance; to the charges whereof we the assurers will contribute, each one according to the rate and quantity of his sum herein assured. And it is agreed by us the

insurers, that this writing or policy of assurance shall be of as much force and effect as the surest writing or policy of assurance heretofore made in Lombard-street, or in the Royal Exchange, or elsewhere in London. And so we the assurers are contented, and do hereby promise and bind ourselves, each for his own part, our heirs, executors, and goods, to the assureds, their executors, administrators, and assigns, for the true performance of the premises, confessing ourselves paid the consideration due unto us for this assurance by the assureds, at and after the rate of

In witness whereof, we the assurers have subscribed our names and sums assured in London.

N.B. Corn, fish, salt, fruit, flour, and seed, are warranted free from average, unless general, or the ship be stranded. Sugar, tobacco, hemp, flax, hides, and skins, are warranted free from average under five pounds per cent.; and all other goods, also the ship and freight, are warranted free from average under three pounds per cent., unless general, or the ship be stranded.

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## XXII. BILLS OF LADING.

Shipped in good order and well-conditioned by \_\_\_\_\_, in and upon the good ship called the \_\_\_\_\_, whereof \_\_\_\_\_ is master for this present voyage \_\_\_\_\_, and now in the port of \_\_\_\_\_, and bound for \_\_\_\_\_ to say \_\_\_\_\_ being marked and numbered as in the margin, and are to be delivered in the like good order and well-conditioned, at the aforesaid port of \_\_\_\_\_ (the act of God, the Queen's enemies, fire, and all and every other dangers and accidents of the seas, rivers, and navigation of whatever nature and kind soever excepted) unto \_\_\_\_\_, or assigns, he or they paying freight for the said goods \_\_\_\_\_, with primage, and average accustomed. In witness whereof the master or purser of the said ship hath affirmed to \_\_\_\_\_ bills of lading all of this tenor and date, the one of which bills being accomplished, the others to stand void.

Dated in \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

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Shipped, in good order and well-conditioned, by \_\_\_\_\_, in and upon the good steam ship called the \_\_\_\_\_, whereof \_\_\_\_\_ is master for this present voyage \_\_\_\_\_, and now riding at anchor in the \_\_\_\_\_, and bound for \_\_\_\_\_ to say \_\_\_\_\_ being marked and numbered as in the margin, and are to be delivered in the like good order and well-conditioned, at the aforesaid port of \_\_\_\_\_ (the act of God, the Queen's enemies, fire, machinery, boilers, steam, and all and every other dangers and accidents of the seas, rivers, and steam navigation, of whatever nature and kind soever excepted) unto \_\_\_\_\_ or to \_\_\_\_\_ assigns \_\_\_\_\_ freight for the said goods \_\_\_\_\_, with primage and average accustomed. In witness whereof, the master or purser of the said ship hath affirmed to bills of lading, all of this tenor and date; the one of which bills being accomplished, the other \_\_\_\_\_ to stand void.

Dated in \_\_\_\_\_

### XXIII. CHARTER-PARTY.

London, \_\_\_\_\_, 18 \_\_\_\_.

It is this day mutually agreed between \_\_\_\_\_ of the good ship or vessel, called the \_\_\_\_\_, of the measurement of \_\_\_\_\_ tons or thereabouts, now \_\_\_\_\_, and \_\_\_\_\_, of \_\_\_\_\_ merchant; \_\_\_\_\_, that the said ship being tight, staunch, and strong, and every way fitted for the voyage, shall \_\_\_\_\_, which the said merchant bind \_\_\_\_\_ to ship \_\_\_\_\_ not exceeding what she can reasonably stow and carry, over and above her tackle, apparel, provisions, and furniture; and being so loaded shall therewith proceed to \_\_\_\_\_ or so near thereunto as she may safely get, and deliver the same on being paid freight

(Restraint of princes and rulers, the act of God, the Queen's enemies, fire, and all and every other dangers and accidents of the seas, rivers, and navigation, of whatever nature and kind soever, during the said voyage; always excepted).

The freight to be paid on unloading, and right delivery of the cargo, \_\_\_\_\_ running days are to be allowed the said merchant (if the ship is not sooner despatched) for loading the said ship, at \_\_\_\_\_, and \_\_\_\_\_ days on demurrage over and above the said laying days at £ \_\_\_\_\_ per day.

Penalty for non-performance of this agreement, £ \_\_\_\_\_.

#### XXIV. SEAMAN'S ALLOTMENT NOTE.

No. —, Dated at —, the — day of —, 18—, — pay the sum of — pounds — shillings and — pence, part of the wages of —, engaged to serve as — in the ship —, official number —, now bound on a voyage to —, to — his (s) —, and continue to make such payment monthly, unless it is made to appear that he is not duly earning his wages (b).

(Signed) \_\_\_\_\_ Master (c).  
(Signed) \_\_\_\_\_ Seaman (d).  
\_\_\_\_\_, Shipping Master.

10) Name \_\_\_\_\_ (month)

(e) Here insert the word "Wife," "Sister," or other name of relationship or description. In case of a wife the marriage certificate must be produced, if required, when payment is demanded.

**(c) Security for repayment:** In case of default, if required, is to be given by the person when this Allocation Note is granted.

(c) If the owner or agent give the note, this must be altered accordingly.

**[Endorced.]**

No. of Note —, Date of Note —, Name of Seaman —, Ship —, Official Number — of —, for —, Master —, Amount of Monthly Allowance —

Amount of } \$ —  
Monthly Allowance }

## RECEIVED ON THE WITHIN WRITTEN NOTE.

[illegible]





Signature of Crew	Age	Town or Village where born	Tribes (if any)	Ship in which he has been engaged, Name and Port to which he is being sent	Date and Place of discharge from the Ship	Place and Date of Entry in this Ship	In what cap- acity engaged, and if Master, No. of his Cer- tificate (if any)	Time at which he was boarded	Amount of Wages, per square, per month, or Voyage	Amount of Wages advanced on Entry	Amount of Monthly Allowance	Shipping Mas- ter's Name and Rank	Ship in which engaged
									£ s d	£ s d	£ s d		

PLACE FOR SIGNATURES AND DESCRIPTION OF SUBSTITUTES.

Note.—Here the entries are to be made as above, except that the signature of the Consul or Vice-Consul, Officer of Customs, or witness before whom the man is engaged, is to be substituted for that of the Shipping Master.


ACCOUNT OF APPRENTICES ON BOARD.

Christian and Sep- timate Apprentice, at length	Date of Baptism of Indenture.	Port at which Indenture was Registered.	Date of Baptism of Indenture (if any).	Port at which Assignment (if any) was registered.

I declare to the truth of the entries in this agreement, delivered to the Shipping Master at —, on the — day of — 19—.

— Master.

Note.—Any clause, insertion, or alteration in this agreement, except in the case of substitutes, will be void unless attested by some Shipping Master, Officer of Customs, Consul, or Vice-Consul, to be made with the consent of the persons interested. This agreement must be delivered to the Shipping Master within forty-eight hours after the ship's arrival at her final port of destination in the United Kingdom.



hereby agrees with the said overseers<sup>s</sup> and their successors, that, during the said term, the said master or masters for the time being will and shall teach the said apprentice or cause him to be taught the business of a seaman, and provide the said apprentice with sufficient meat, drink, lodging, washing, medicine, and medical and surgical assistance, and all other things necessary or fit for an apprentice; and so provide for the said apprentice, that he be not a charge to the said parish; and indemnify the said parish against any charge in respect of the said apprentice during the term of his apprenticeship.

(Seal and Signature of Apprentice.)

(Seal (L. s.) of Board.)

(Clerk.)

**Signed,**

<sup>9</sup> These words must be adapted to the circumstances of the case.

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This Indenture, made the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, between \_\_\_\_\_, aged \_\_\_\_\_ years, a native of \_\_\_\_\_, in the county of \_\_\_\_\_, of the first part, \_\_\_\_\_ of \_\_\_\_\_, in the county of \_\_\_\_\_, of the second part, and \_\_\_\_\_, of \_\_\_\_\_, in the county of \_\_\_\_\_, of the third part, Witnesseth, That the said \_\_\_\_\_ hereby voluntarily binds himself apprentice unto the said \_\_\_\_\_, his executors, administrators, and assigns, for the term of \_\_\_\_\_ years from the date hereof; and the said apprentice hereby covenants that, during such time, the said apprentice will faithfully serve his said master, his executors, administrators, and assigns, and obey his and their lawful commands, and keep his and their secrets, and will, when required, give to him and them true accounts of his or their goods and money which may be committed to the charge, or come into the hands, of the said apprentice; and will, in case the said apprentice enters Her Majesty's service during the said term, duly account for and pay, or cause to be paid, to his said master, his executors, administrators, or assigns, all such wages, prize money, and other monies as may become payable to the said apprentice for such service; and that the said apprentice will not, during the said term, do any damage to his said master, his executors, administrators, or assigns, nor will he consent to any such damage being done by others, but will, if possible, prevent the same, and give warning thereof; and will not embezzle or waste the goods of his master, his executors, administrators, or assigns, nor give or lend the same to others without his or their license: nor absent himself from his or their service without leave; nor frequent taverns or alehouses, unless upon his or their business; nor play at unlawful games: In consideration whereof, the said master hereby covenants with the said apprentice, that during the said term he, the said master, his executors, administrators, and assigns, will and shall use all proper means to teach the said apprentice, or cause him to be taught, the business of a seaman, and provide the said apprentice

<sup>1</sup> If there is a surety, his name is to be inserted here ; but a surety is not essential. If there is not one, the part relating to him should be struck out.

with sufficient meat, drink, lodging, washing, medicine, and medical and surgical assistance, and pay to the said apprentice the sum of £ , in manner following: (that is to say) the said apprentice providing for himself all sea-bedding, wearing apparel, and necessaries (except such as are hereinbefore specially agreed to be provided by the said master): And it is hereby agreed, that if, at any time during the said term, the said master, his executors, administrators, or assigns provide any necessary apparel, or sea-bedding for the said apprentice, he and they may deduct any sums properly expended thereon by him or them from the sums so agreed to be paid to the said apprentice as aforesaid: And for the performance of the agreements herein contained, each of them, the said and , doth hereby bind himself, his heirs, executors, and administrators, unto the other of them, his executors and administrators, in the penal sum of £ ;<sup>2</sup> and for the performance of the covenants on the part of the said apprentice herein contained, the said as surety, doth hereby bind himself, his heirs, executors, and administrators, unto the said , his executors and administrators, in the penal sum of £ : Provided, that notwithstanding the penal stipulations herein contained any Justice or Justices of the Peace may exercise such jurisdiction in respect of the said apprentice as he or they might have exercised if no such stipulations had been herein contained.

In witness whereof, the said parties have hereunto set their hands and seals, the day and year above written.

Signed, sealed, and delivered in the presence of

(L.S.)

(Master).

(L.S.)

(Apprentice).

(L.S.)

(Surety).

Registered at the Port of  
this                      day of                      , 18                      .

Signed

NOTE.—This Indenture must be executed in duplicate, both copies must be taken to the Registrar-General of Seamen; or if in the out-ports to some Shipping Master; one copy will then be retained and recorded, and the other returned to the master with the necessary indorsement.

<sup>2</sup> See note 1.

XXVII. RELEASE AT THE TERMINATION OF A VOYAGE.

Port

Name of Ship.	Official Number	Port No. and Date of Register.	Port of Registry.	Name of Master.	Name of Owner.	Description of Voyage.	Date and Place of Commencement of Voyage.	Date and Place of Termination of Voyage.

We, the undersigned members of the crew of the said ship, do hereby release the said ship and the master and owner or owners thereof from all claims for wages or otherwise in respect of the above-mentioned voyage; And I, the master, do hereby release the said crew from all claims in respect of the said voyage.

Dated at                      , the           day of                      , 18           .                      (Signed)                      , *Master*.

Signatures of Crew.	Shipping Office or Home No., if any.	Signatures of Crew.	Shipping Office or Home No., if any.	Signatures of Crew.	Shipping Office or Home No., if any.

I attest the execution of the above release in my presence.

(Signed)                      , *Shipping Master*.

XXVIII. RECEIPT BY SHIPPING MASTER OR CONSUL FOR WAGES AND EFFECTS OF A  
DECEASED SEAMAN.

Port of

Name of Seaman

No. of Ticket

Name of Ship

Official Number

Port belonging to

Name of Master

Amount paid : : £ s. d.

Effects delivered, if any. {

Date of Receipt

Port of

Name of deceased Seaman or Apprentice.	Name of Ship in which he served at time of Death.	Official Number.	Port belonging to.	Time of Death.	Place of Death.

Name of Master.	Amount paid to Shipping Master.	Particulars of Effects, if any, delivered to Shipping Master, to be shortly stated, referring to account K K, if necessary.
	£ s. d. : : : :	

I certify that the above-named master has paid me the above-named sum, and has delivered to me the above-named effects, as the wages and effects of the above-named deceased.

Dated this      day of      , 18      .  
(Signed)      , Shipping Master or Consul.

XXIX. FORM OF CLAIM FOR THE WAGES AND EFFECTS OF A DECEASED  
MERCHANT SEAMAN WHO HAS LEFT NO WILL.

No. \_\_\_\_\_ Port \_\_\_\_\_

Christian and Sur- name of Deceased Seaman at full length.	Date of his Death.	Place of his Death.	Name of Ship in which he was serving at the time of his Death, and her Official Number, also the Port she belonged to.	Port at which the Wages, etc., have been received.	Date when received

SCALE OF DEGREES OF RELATIONSHIP.

1st. Widow; | 3rd. Father; | 5th. Brother or Sister; | 7th. Aunt, Uncle,  
2nd. Child; | 4th. Mother; | 6th. Grandfather or Grandmother; | Nephew, or Niece.

*Declaration to be made and signed by the Claimant, in the presence of  
the Magistrate for or the Minister of the parish in which he resides.*

I <sup>(1)</sup> \_\_\_\_\_, do solemnly and sincerely declare that I am the  
lawful <sup>(2)</sup> \_\_\_\_\_, and next of kin of the above-named deceased  
merchant seaman, who died at the time and place above-mentioned;  
and that, to the best of my knowledge and belief, he left no will; that  
he left no relative who, according to the above scale, is nearer of kin  
to him than myself, and no relative of equal degree who has not con-  
sented to this application,<sup>(3)</sup> and that I am therefore entitled, as his  
nearest relative, to have the amount of his wages and effects paid to  
me. I further declare that the answers given by me to the printed  
questions on the back hereof are, to the best of my knowledge and  
belief, correct; and I make this solemn declaration, conscientiously  
believing the same to be true.

Declared and subscribed before me, \_\_\_\_\_,  
this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.  
(The Magistrate or resident Minister of the Parish)  
to sign here, and state the place for which he acts.) } \_\_\_\_\_  
Magistrate for \_\_\_\_\_; or, Minister of \_\_\_\_\_, in  
County of \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Claimant's Signature.)  
{ (Residence, stating the street,  
and number of the House.)  
(Occupation.)  
(Nearest Post Town.)  
(County.)

<sup>1</sup> Here insert Christian and surnames of claimant in full. If there is more than one claimant, the plural must be substituted for the singular throughout.  
<sup>2</sup> Here insert the degree of relationship to deceased.  
<sup>3</sup> If the claim be made by a child, or brother or sister, the claimant must, if there be other relatives of the same degree, transmit their written consent to the payment being made to him.



## CERTIFICATE TO ACCOMPANY THE APPLICATION.

*Certificate by Two Householdors of the Parish.<sup>1</sup>*

We, the undersigned, being both inhabitant householders of the parish of \_\_\_\_\_, at \_\_\_\_\_, in the county of \_\_\_\_\_, hereby certify, that we personally know \_\_\_\_\_, (<sup>2</sup>) who has subscribed the above declaration, and that we firmly believe the contents of the said declaration to be true.

Signatures  
of  
Two Inhabitants. } \_\_\_\_\_  
\_\_\_\_\_  
Their Residence  
and  
Occupation. } \_\_\_\_\_  
\_\_\_\_\_

*Declaration by Shipping Master or Minister. (<sup>3</sup>)*

I certify that I know or have ascertained the above-named (<sup>4</sup>) \_\_\_\_\_, and \_\_\_\_\_, to be respectable householders of the parish above-named in that behalf; and that I have no reason to doubt the truth of the statements made by the claimant.

(Signed) \_\_\_\_\_

Occupation \_\_\_\_\_

Residence \_\_\_\_\_

*Information to be given by the Claimant.*

N.B.—If the answers are not filled in, the claim will be returned for the purpose, and much delay will be occasioned by the neglect.

As no claim to the wages and effects of a deceased merchant seaman can be duly investigated without information on the following points, it is requisite, in reference to the application on the preceding page, that such information as may apply to the present case should be

<sup>1</sup> This certificate to be signed by two respectable inhabitant householders of the parish where the claimant resides.

<sup>2</sup> Here insert name of claimant.

<sup>3</sup> If the claimant resides at or near a seaport, this declaration must be signed by the shipping master; if he does not live at or near a seaport, it must be signed by the minister of the parish in which the householders reside.

<sup>4</sup> Here insert names of householders.

accurately given below in the respective blank spaces left for that purpose :

The Christian and Surnames of the Deceased to be written in full .....	
When and where was he born ? .....	
When and where did he die ? .....	
Where did he live when at home ?.....	
State the Names of his Father and Mother, and if dead, to be so stated ...	
State the Name of the Deceased's Widow, and if living ; if the Deceased was not married, insert "unmarried" .....	
State the names of all his Children, including the Husbands, if living, of any married Daughters ; if there are no children, to be so stated .....	
State the Names of his Brothers and Sisters, including the Husbands, if living, of any married Sisters.....	
State the Names of any other of his relations, equal in degree of relationship to the Applicant, with the degree of relationship .....	
State the Name of the Ship in which he last sailed, her official Number and the Port to which she belonged .....	

The claimant to sign his name here \_\_\_\_\_

If the claimant possesses any letters from the deceased, or any other papers or documents which may serve to identify him in case of doubt, the same should be sent with this claim to the Board of Trade.

*Description of Claimant.*

The following description of the claimant is to be taken by the shipping master, if at a port, or if claimant does not reside at or near a port, by the minister of the parish, in order to identify the party in

case of fraudulent application for the wages and effects of the deceased seaman :

The said \_\_\_\_\_, the claimant above-named, is \_\_\_\_\_ feet  
 \_\_\_\_\_ inches high, of \_\_\_\_\_ complexion, with \_\_\_\_\_ eyes,  
 has \_\_\_\_\_ hair, is about \_\_\_\_\_ years of age, and has the follow-  
 ing marks or personal peculiarities, viz. :

---

Given under my hand at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_.

---

(Signature.)

---

(Designation.)

#### INSTRUCTIONS TO CLAIMANTS.

If a Seaman leaves no Will, his Widow will be entitled to receive from the Board of Trade the wages and effects } A Widow must send her marriage certificate with the claim.

If there is no Widow, the next claim is that of a Child (or Children, if more than one, jointly); in the latter case, the consent, in writing of the other Children to the payment being made to the Applicant, must accompany the application. } A Child must send the certificate of his or her birth or baptism.

If there is neither Widow nor Child, the Father is next entitled. } A Father or Mother must send the certificate of the birth or baptism of the deceased.

And after the Father, the Mother is entitled.

After the Mother, all the Brothers and Sisters are entitled, jointly. If the application is made by one Brother or Sister, for all of the same degree, the consent, in writing, of the other or others to the payment being made to the Applicant, must accompany the application. } A Brother or Sister must send the certificate of his or her birth or baptism.

The Grandfather and Grandmother are next entitled. } N.B. — In all these cases, if there are two or more persons jointly entitled to payments, the consent in writing of the other or others, to payment being made to the Applicant, must accompany the application.

Then the Uncles and Aunts, Nephews and Nieces, jointly.

The First Cousins have the next claim, jointly.

Then the First Cousins once removed, jointly.

Then the Second Cousins jointly, and so on.

*If any of the Certificates and Documents or Information hereby required cannot be obtained, the reason is to be stated here.*

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(Signed) \_\_\_\_\_ Claimant.

N.B.—Any payment which may be made in consequence of this Application, will not entitle the applicant to appropriate the money to his or her own use, if there are others who have legal claims on it, either as next of kin in equal

degree, or as creditors ; and such persons will have the same rights against the applicant, and the same means of enforcing it, as if the claimant had taken out Administration in due course of law for the purpose of administering the property of the deceased amongst the persons interested.

N.B.—Every person who, for the purpose of obtaining either for himself or for another, any money or effects of any deceased seaman or apprentice forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any Document purporting to show, or assist in showing, a right to such wages or effects, and every person who for the purpose aforesaid makes use of any such forged or altered Document as aforesaid, or who for the purpose aforesaid gives or makes, or procures to be given or made, or assists in giving or making, or procuring to be given or made, any false evidence or representation, knowing the same to be false, will be punishable with Penal Servitude for a term not exceeding four years, or with Imprisonment with or without hard labour for any period not exceeding two years ; or if summarily prosecuted and convicted, by Imprisonment with or without hard labour for any period not exceeding six months.

When properly filled up and attested, and the information and documents supplied, this Application is, if the Claimant lives in or near a seaport, to be delivered to the Shipping Master, who will forward it to the Board of Trade ; if the Claimant does not live in or near a seaport, he must forward it himself, to

*The Secretary,  
Marine Department,  
Board of Trade,  
London.*

FORM OF CLAIM FOR THE WAGES AND EFFECTS OF A DECEASED  
MERCHANT SEAMAN BY A CREDITOR.

No. \_\_\_\_\_

Port \_\_\_\_\_

Christian and Sur- name of deceased Seaman at full length.	Date of his Death.	Place of his Death.	Name of Ship in which he was serving at the time of his Death, and her Official Number, also the Port she belonged to.	Port at which the Wages, etc., have been received.	Date when re- ceived.

*Declaration to be made and signed by the Claimant in the presence of the  
Magistrate for or the Minister of the parish in which he resides.*

I (¹) \_\_\_\_\_, do solemnly and sincerely declare that the account on the other side hereof is a correct and true statement of the debts

¹ Here insert Christian and surnames of claimant in full. If there is more than one claimant, the plural must be substituted for the singular throughout.

**Declared and subscribed before me,**  
**this                  day of                  , 185 .**  
**(The Magistrate or resident Minister of the Parish }**  
**to sign here, and state the place for which he acts) }** \_\_\_\_\_  
**Magistrate for                  ; or, Minister of                  , in**  
**county of                  .**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Claimant's Signature.)  
{ (Residence, stating the Street,  
and Number of the House.)  
(Occupation.)  
(Nearest Post Town.)  
(County.)

*Certificate by Two Householders of the Parish.*<sup>(1)</sup>

Signatures  
of  
Two Inhabitants. } \_\_\_\_\_  
\_\_\_\_\_

Their Residences  
and  
Occupations. } \_\_\_\_\_  
\_\_\_\_\_

<sup>2</sup> Here insert name of claimant.



justness of those items against which I have signed my initials, and for which also vouchers are herewith transmitted.

•

Signed \_\_\_\_\_

Shipping Master at the Port of \_\_\_\_\_

*Description of Claimant.*

The following description of the claimant is to be taken by the shipping master, in order to identify the party in case of fraudulent application for the wages and effects of the deceased seaman.

The said \_\_\_\_\_, the claimant above-named, is \_\_\_\_\_ feet \_\_\_\_\_ inches high, of \_\_\_\_\_ complexion, with \_\_\_\_\_ eyes, has \_\_\_\_\_ hair, is about \_\_\_\_\_ years of age, and has the following marks or personal peculiarities, viz.:

\_\_\_\_\_  
\_\_\_\_\_

Given under my hand at \_\_\_\_\_, this  
day of \_\_\_\_\_, 18 .

\_\_\_\_\_  
(Signature.)

Shipping Master for the Port of \_\_\_\_\_

*Information to be given by the Claimant.*

N.B.—If the answers are not filled in, or a satisfactory reason for the omission given, the claim will be returned for the purpose, and much delay will be occasioned by the neglect.

As no claim to the wages and effects of a deceased merchant seaman can be duly investigated without information on the following points, it is requisite, in reference to the application on the preceding page, that such information as may apply to the present case should be accurately given below in the respective blank spaces left for that purpose:

• If the shipping master is not satisfied of the justness of the claim, his reasons are to be stated here.

State the Names of the Deceased's Father and Mother, and if dead, to be so stated .....

State the Name of his Widow, and if living; if the Deceased was not married, insert "unmarried" .....

State the Names of all his Children, including the Husbands, if living, of any married Daughters; if there are no children, to be so stated.....

State the Names of his Brothers and Sisters, including the Husbands, if living, of any married Sisters .....

State the Names of any other of his relations, with the degree of relationship..

State the Name of the Ship in which he last sailed, her official Number, and the Port to which she belonged .....

The claimant to sign his name here \_\_\_\_\_

If the claimant desires to make any observations on the subject of his claim, they are to be made here :

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---



---

Signed \_\_\_\_\_ Claimant.

*Provision for Payment of just Claims by Creditors, and for preventing fraudulent Claims.*

The following Rules are to be observed with respect to creditors of deceased seamen and apprentices; (that is to say,)

1. No such Creditor is entitled to claim from the Board of Trade the wages or effects of any such seaman or apprentice or any part thereof by virtue of Letters of Administration taken out by him, or by virtue of Confirmation in *Scotland*, as executor creditor :

2. No such creditor is entitled by any means whatever to payment of his debt out of such wages and effects, if the debt accrued more than three years before the death of the deceased, or if the demand is not made within two years after such death :

3. Subject as aforesaid, the steps to be taken for procuring payment of such debt are to be as follows (that is to say): Every person making a demand as



creditor must deliver to the Board of Trade an account in writing in such form as it requires, subscribed with his name, stating the particulars of his demand and the place of his abode, and verified by his declaration made before a Justice :

4. If before such demand is made any claim to the wages and effects of the deceased made by any person interested therein as his widow or child, or under a Will, or under the Statutes for the distribution of the effects of intestates, or under any other Statute, or at common law, has been allowed, the Board of Trade will give notice to the creditor of the allowance of such person's claim, and the creditor will thereupon have the same rights and remedies against such person as if he or she had received the said wages and effects as the legal personal representative of the deceased :

5. If no claim by any such person has been allowed, the Board of Trade will proceed to investigate the creditor's account, and may for that purpose require him to prove the same, and to produce all books, accounts, vouchers, and papers relating thereto ; and if by such means the creditor duly satisfies the Board of Trade of the justice of the demand, either in the whole or in part, the same will be allowed and paid accordingly, so far as the assets in the hands of the Board of Trade will extend for that purpose, and such payment will discharge the Board of Trade from all further liability in respect of the money so paid ; but if such Board is not so satisfied, or if such books, accounts, vouchers, or papers as aforesaid are not produced, and no sufficient reason is assigned for not producing them, the demand will be disallowed :

6. In any case whatever the Board of Trade may delay the investigation of any demand made by a creditor for the payment of his debt for one year from the time of the first delivery of the demand ; and if in the course of that time a claim to the wages and effects of the deceased is made and substantiated as hereinbefore required by any person interested therein as a widow or child, or under a Will, or under the Statutes for the distribution of the effects of intestates, or under any other Statute, or at common law, the Board of Trade may pay and deliver the same to such person ; and thereupon the creditor will have the same rights and remedies against such person as if he or she had received the same as the legal personal representative of the deceased.

N.B.—Every person who, for the purpose of obtaining either for himself or for another any money or effects of any deceased seaman or apprentice, forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any Document purporting to show, or assist in showing, a right to such wages or effects, and every person who for the purpose aforesaid makes use of any such forged or altered document as aforesaid, or who for the purpose aforesaid gives or makes, or procures to be given or made, or assists in giving or making, or procuring to be given or made, any false evidence or representation, knowing the same to be false, *will be punishable with Penal Servitude for a term not exceeding four years, or with Imprisonment with or without hard labour for any period not exceeding two years, or, if summarily prosecuted and convicted, by Imprisonment with or without hard labour for any period not exceeding six months.*

When properly filled up and attested, and the information and documents supplied, this application is to be delivered to the Shipping Master, who will forward it to the Board of Trade. If the Claimant does not reside in or near a Port, any subsequent correspondence arising on this Claim may be addressed to

*The Secretary,  
Marine Department,  
Board of Trade,  
London.*

FORM OF CLAIM FOR THE WAGES AND EFFECTS OF A DECEASED  
MERCHANT SEAMAN WHO HAS LEFT A WILL.

No. \_\_\_\_\_ Port \_\_\_\_\_

Christian and Sur- name of Deceased Seaman at full length.	Date of his Death.	Place of his Death.	Name of Ship in which he was serving at the time of his Death, and her Official Number; also the Port she belonged to.	Port at which the Wages, etc., have been received.	Date when re- ceived.

*Declaration to be made and signed by the Claimant in the presence of the  
Magistrate for or the Minister of the Parish in which he resides.*

I,<sup>1</sup> \_\_\_\_\_, do solemnly and sincerely declare that the will<sup>2</sup>  
*(which accompanies this claim)* was made by the above-  
named deceased merchant seaman, who died at the time and place  
above-mentioned; that to the best of my knowledge and belief he left  
no other will or codicil; that I am the person named or referred to in  
the said will as <sup>3</sup> \_\_\_\_\_, and that I am therefore entitled to  
have the wages and effects of the deceased paid and delivered to me.  
I further declare that the answers given by me to the printed questions  
on the back hereof are, to the best of my knowledge and belief,  
correct; and I make this solemn declaration, conscientiously believing  
the same to be true.

Declared and subscribed before me, \_\_\_\_\_,  
this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.  
(The Magistrate or resident Minister of the Parish to }  
sign here, and state the Place for which he acts.) } \_\_\_\_\_  
Magistrate for \_\_\_\_\_; or, Minister of \_\_\_\_\_, in  
County of \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
County.

(Signature, Resi-  
dence, and Occupa-  
tion of Claimant or  
Claimants.)

(Post Town to which  
to address letters to  
Claimant.)

<sup>1</sup> Here insert Christian and surnames of claimant in full. If there is more than one claimant, the plural must be substituted for the singular throughout.  
<sup>2</sup> The Will or Wills made by the deceased must be sent with this claim. If there are more papers than one, they must be named. If the Will cannot be sent, the words in italic must be struck out, and the reason stated on the other side.  
<sup>3</sup> Here state the character in which the claim is made, taking it from the Will, whether as executor, legatee, etc.

## CERTIFICATES TO ACCOMPANY THIS CLAIM.

*Certificate by Two Householdors of the Parish.<sup>4</sup>*

We, the undersigned, being both inhabitant householders of the parish of \_\_\_\_\_, at \_\_\_\_\_, in the county of \_\_\_\_\_, hereby certify that we personally know <sup>5</sup> \_\_\_\_\_, who has subscribed the above declaration, and that we firmly believe him to be the person named or referred to in the will of the deceased as <sup>6</sup> \_\_\_\_\_.

Signatures	}	_____
of		_____
Two Inhabitants.	}	_____
Their Residence		_____
and		_____
Occupation.	}	_____

*Declaration by Shipping Master or Minister.<sup>7</sup>*

I certify that I know or have ascertained the above-named <sup>8</sup> \_\_\_\_\_, and \_\_\_\_\_, to be respectable householders of the parish above-named in that behalf; and that I have no reason to doubt the truth of the statements made by the claimant.

Signed \_\_\_\_\_

Shipping Master at the Port of \_\_\_\_\_; or, Minister of \_\_\_\_\_.

*II. Certificate of attesting Witness of Will.<sup>9</sup>*

I, the undersigned, certify that I saw the above-named deceased sign his will at <sup>10</sup> \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_; and that such will was on \_\_\_\_\_ sheet of paper; and I certify

<sup>4</sup> This declaration to be signed by two respectable inhabitant householders of the parish where the claimant resides.

<sup>5</sup> Here insert name of claimant.

<sup>6</sup> Here insert the character in which the claim is made, whether as executor, legatee, etc., taking it from the declaration, as at 3 above.

<sup>7</sup> If the claimant resides at or near a seaport, this declaration must be signed by the shipping master; if not, by the minister of the parish in which the householders reside.

<sup>8</sup> Here insert names of householders who have signed the previous certificate.

<sup>9</sup> This is to be signed before a clergyman or magistrate by the witness (if any) who attested the signature of the Will, or by some person who saw the Will attested.

<sup>10</sup> Here insert the time and place at which the Will was signed.

that the will shown to me at the time of making the declaration is the will which I saw the deceased sign.

Declared and subscribed before me, \_\_\_\_\_,  
 this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.  
 (The Magistrate or resident Minister of the Parish to }  
 sign here, and state the place for which he acts.) } \_\_\_\_\_  
 Magistrate for \_\_\_\_\_; or, Minister of \_\_\_\_\_, in  
 County of \_\_\_\_\_.

{ (Signature, Residence,  
 and Occupation of  
 Witness.)

### III. *Certificate of Handwriting of the Testator.*<sup>11</sup>

I, the undersigned, certify that I knew personally \_\_\_\_\_, the  
 above-named deceased seaman, and am well acquainted with his hand-  
 writing; that a will, dated \_\_\_\_\_, and made on  
 sheet of paper, has been produced to me;<sup>12</sup> that I have signed my  
 name on the back of it; and that I firmly believe the signature of the  
 said will to be the handwriting of the said deceased seaman.

Declared and subscribed before me, \_\_\_\_\_, this  
 day of \_\_\_\_\_, 18 \_\_\_\_, by \_\_\_\_\_, who is a  
 respectable inhabitant of my Parish.

(The Magistrate or resident Minister of the Parish to }  
 sign here, and state the place for which he acts.) } \_\_\_\_\_  
 Magistrate for \_\_\_\_\_; or, Minister of \_\_\_\_\_, in  
 County of \_\_\_\_\_.

{ (Signature, Residence,  
 and Occupation of  
 the Person or Per-  
 sons testifying to the  
 Handwriting.)

### *Description of Claimant.*

The following description of the claimant is to be taken by the  
 shipping master, if at a port, or if claimant does not reside at or near  
 a port, by the minister of the parish, in order to identify the party in  
 case of fraudulent application for the wages and effects of the deceased  
 seaman.

The said \_\_\_\_\_, the claimant above-named, is \_\_\_\_\_ feet  
 inches high, of \_\_\_\_\_ complexion, with \_\_\_\_\_ eyes,

<sup>11</sup> This is to be signed by some one who was well acquainted with the  
 handwriting of the testator, in the presence of the minister or of a magistrate  
 of the parish in which he resides.

<sup>12</sup> The person signing this certificate is also to sign his name on the Will.

has                      hair, is about                      years of age, and has the following marks or personal peculiarities, viz.:

\_\_\_\_\_

\_\_\_\_\_

Given under my hand at                      , this                      day of

\_\_\_\_\_ (Signature.)

\_\_\_\_\_ (Designation.)

*Information to be given by the Claimant.*

As the claim cannot be investigated without information on the following points, such information should be given by the claimant in the respective blank places below left for that purpose. If there are no relations of the degrees stated below, insert the word "*None*" in the appropriate space.

The Christian and Surname of the Deceased written in full .....	
When and where was he born? .....	
When and where did he die? .....	
Where did he live when at home? .....	
State the Names of his Father and Mother .....	
State the Name of his Widow .....	
State the Names of all his Children, including the Husbands, if living, of any married Daughters .....	
State the Names of his Brothers and Sisters, including the Husbands, if living, of any married Sisters .....	
State the Names of any other of his Relations, with the degree of relationship...	
State the Name of the Ship in which he last sailed, and her Official Number, also the Port to which she belonged ...	

The claimant to sign his name here \_\_\_\_\_

## INSTRUCTIONS TO CLAIMANTS.

If the claimant possesses any letters from the deceased, or any other papers or documents which may serve to identify him in case of doubt, the same must be sent, with this claim, to the Board of Trade.

If an executor is named in the Will, he is the first person entitled to claim payment: if there is no executor, or if he refuses to claim, the person to whom the property of the deceased is given by the Will is entitled to claim. If there are two or more executors, or two or more legatees, entitled to claim, they must either make the claim jointly, or if one only claims, the consent in writing of the others must be sent, and must accompany this application.

If the Will, or any of the certificates and documents, or information hereby required, cannot be obtained, and sent with the claim, the reason is to be stated here.

---

(Signed) \_\_\_\_\_ *Claimant.*

The Board of Trade may, in its discretion, refuse to pay or deliver any such wages or effects as aforesaid to any person claiming to be entitled thereto under a Will made on board ship, unless such Will is in writing, and is signed or acknowledged by the testator in the presence of the master or first or only mate of the ship, and is attested by such master or mate.

It may, in its discretion, refuse to pay or deliver any such wages or effects as aforesaid to any person not being related to the testator by blood or marriage who claims to be entitled thereto under a Will made elsewhere than on board ship, unless such Will is in writing, and is signed or acknowledged by the testator, in the presence of two witnesses, one of whom is some shipping master appointed under the Merchant Shipping Act, or some minister or officiating minister or curate of the place in which the same is made, or, in a place where there are no such persons, some Justice of the Peace, or some British Consular officer, or some officer of Customs, and is attested by such witnesses; and whenever any claim under a Will is rejected by the Board of Trade on account of the said Will not being made and attested as hereinbefore required, the wages and effects of the deceased will be dealt with as if no Will had been made.

N.B.—Any payment which may be made in consequence of this application will not entitle the applicant to appropriate the money to his or her own use, if there are others who have legal claims on it, either as legatees under the Will or as creditors; and such persons will have the same rights against the applicant, and the same means of enforcing it, as if the claimant had taken out probate in due course of law for the purpose of administering the property of the deceased amongst the persons interested.

N.B.—Every person who, for the purpose of obtaining, either for himself or for another, any money or effects of any deceased seaman or apprentice, forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any document purporting to show, or assist in showing, a right to such wages or effects; and every person who, for the purpose aforesaid, makes use of any such forged or altered document as aforesaid; or who, for the purpose aforesaid, gives or makes, or procures to be given or made, or assists in giving or making, or procuring to be given or made, any false evidence or representation, knowing the same to be false, will be punishable with penal servitude for a term not exceeding four years, or with imprisonment, with or without hard labour, for any period not exceeding two years, or if summarily proce-

cuted and convicted by imprisonment, with or without hard labour, for any period not exceeding six months.

When properly filled up and attested, and the information and documents supplied, this Application is, if the Claimant lives in or near a Seaport, to be delivered to the Shipping Master, who will forward it to the Board of Trade; if the Claimant does not live in or near a Seaport, he must forward it himself to

*The Secretary,  
Marine Department,  
Board of Trade,  
London.*

XXX. OFFICIAL LOG BOOK FOR EITHER FOREIGN GOING OR HOME  
TRADE SHIP.

Name of Ship.	Official Num- ber.	Port of Registry.	Regis- tered Ton- nage.	Name of Master.	No. of his Cer- tificate (if any).

Date of commencement of the voyage\_\_\_\_\_

Nature of the voyage, or employment\_\_\_\_\_

Delivered to the Shipping Master of the Port of \_\_\_\_\_, the  
day of \_\_\_\_\_, 18 \_\_\_\_.

(Signed)\_\_\_\_\_ *Shipping Master.*

NOTE.—The above entries are to be filled up by the Master, and the log book is to be delivered to the Shipping Master within forty-eight hours after the ship's arrival, or upon the discharge of the crew, whichever first happens, in the case of a "Foreign-going Ship;" and within twenty-one days after the 30th of June and the 31st of December respectively in every year in the case of a "Home Trade Ship."

## DIRECTIONS.

**Section 280.** I. Masters of all British merchant ships (except ships employed exclusively in trading between ports on the coasts of the United Kingdom), are bound by the Merchant Shipping Act, 1854, section 280, to keep an official log book in the form sanctioned by the Board of Trade; and such official log may, at the discretion of the master or owner of any ship, either be kept distinct from the ordinary ship's log, or be united therewith, provided all the blanks in the official log are duly filled up.

All British ships not being coasting vessels must carry an Official Log Book.

The following are the provisions of the Act which relate to official log books:

**Importance of keeping the Log properly.** II. *The importance of keeping this book properly, and duly making all the entries at the proper time, and with the strictest regard to form, cannot be too strongly impressed on ship masters.* By neglecting to do so, they subject themselves to heavy penalties, and their owners to serious loss and inconvenience, and they prevent discipline from being maintained, as no fine or forfeiture can be deducted, and no punishment inflicted for any offence, unless the entries are properly made and attested.

**Section 281.** III. Every entry in every official log shall be made as soon as possible after the occurrence to which it relates, and if not made on the same day as the occurrence to which it relates, shall be made and dated so as to show the date of the occurrence and of the entry respecting it; and in no case shall any entry therein in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge be made more than twenty-four hours after such arrival.

**Section 282.** IV. Every master of a ship for which an official log book is hereby required shall make or cause to be made therein entries of the following matters; (that is to say,)

- Convictions.** 1. Every legal conviction of any member of his crew, and the punishment inflicted:
- Offences.** 2. Every offence committed by any member of his crew for which it is intended to prosecute, or to enforce a forfeiture, or to exact a fine, together with such statement concerning the reading over such entry, and concerning the reply (if any) made to the charge, as hereinbefore required: \*

\* For a list of offences against discipline, and their punishments, see paragraph 8.



3. Every offence for which punishment is inflicted on board, Punish-  
ments. and the punishment inflicted :
4. A statement of the conduct, character, and qualifications Conduct,  
etc., of crew. of each of his crew, or a statement that he declines to give an opinion on such particulars :
5. Every case of illness or injury happening to any member Illnesses and  
injuries. of the crew, with the nature thereof, and the medical treatment adopted (if any) :
6. Every case of death happening on board, and of the Deaths. cause thereof :
7. Every birth happening on board, with the sex of the in- Births. fant, and the names of the parents :
8. Every marriage taking place on board, with the names Marriages. and ages of the parties :
9. The name of every seaman or apprentice who ceases to Quitting  
ship. be a member of the crew, otherwise than by death, with the place, time, manner, and cause thereof :
10. The amount of wages due to any seaman who enters Wages of  
men enter-  
ing Navy. Her Majesty's Service during the voyage :
11. The wages due to any seaman or apprentice who dies Wages of  
deceased  
seamen. during the voyage, and the gross amount of all deductions to be made therefrom : \*
12. The sale of the effects of any seaman or apprentice who Sale of de-  
ceased men's  
effects. dies during the voyage, including a statement of each article sold, and of the sum received for it : \*
13. Every collision with any other ship, and the circum- Collisions. stances under which the same occurred.†

V. The entries hereby required to be made in official log Section 283.  
Entries, how  
to be signed. books shall be signed as follows; that is to say, every such entry shall be signed by the master and by the mate or some other of the crew, and every entry of illness, injury, or death shall be also signed by the surgeon or medical practitioner on board (if any); and every entry of wages due to or of the sale of the effects of any seaman or apprentice who dies, shall be signed by the master and by the mate and some other member of the crew; and every entry of wages due to any seaman who enters Her Majesty's Service shall be signed

\* The 19th section of the Act imposes a penalty not exceeding treble the value of the money or effects not accounted for, or if such value is not ascertained, not exceeding 50*l.*, for neglecting this entry.

† The 328th section of the Act imposes a specific penalty of 20*l.* for neglecting this entry.

by the master and by the seaman or by the officer authorised to receive the seaman into such service.

Section 284.  
Penalties in  
respect of  
Official  
Logs.

VI. The following offences in respect of official log books shall be punishable as hereinafter mentioned; (that is to say,)

1. If in any case an official log book is not kept in the manner hereby required, or if any entry hereby directed to be made in any such log book is not made at the time and in the manner hereby directed, the master shall for each such offence incur the specific penalty herein mentioned in respect thereof, or where there is no such specific penalty, a penalty not exceeding five pounds:
2. Every person who makes or procures to be made or assists in making any entry in any official log book, in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge, more than twenty-four hours after such arrival, shall for each such offence incur a penalty not exceeding thirty pounds:
3. Every person who wilfully destroys or mutilates or renders illegible any entry in any official log book, or who wilfully makes or procures to be made or assists in making any false or fraudulent entry or omission in any such log book, shall for each such offence be deemed guilty of a misdemeanor.

Section 285.  
Entries in of-  
ficial Logs to  
be received  
in evidence.

VII. All entries made in any official log book as hereinbefore directed shall be received in evidence in any proceeding in any court of justice, subject to all just exceptions.

Section 243.  
Offences of  
seamen and  
apprentices  
and their  
punish-  
ments.  
Desertion.

VIII. Whenever any seaman who has been lawfully engaged, or any apprentice to the sea service, commits any of the following offences, he shall be liable to be punished summarily as follows (that is to say):

1. For desertion he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour, and also to forfeit all or any part of the clothes and effects he leaves on board, and all or any part of the wages or emoluments which he has then earned, and also, if such desertion takes place abroad, at the discretion of the Court, to forfeit all or any part of the wages or emoluments he may earn in any other ship in which he may be employed until his next return to the United Kingdom, and to satisfy

any excess of wages paid by the master or owner of the ship from which he deserts to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him.

2. For neglecting or refusing, without reasonable cause, to join his ship, or to proceed to sea in his ship, or for absence without leave at any time within twenty-four hours of the ship's sailing from any port, either at the commencement or during the progress of any voyage, or for absence at any time without leave and without sufficient reason, from his ship or from his duty not amounting to desertion, or not treated as such by the master, he shall be liable to imprisonment for any period not exceeding ten weeks, with or without hard labour, and also, at the discretion of the Court, to forfeit out of his wages a sum not exceeding the amount of two days' pay, and in addition for every twenty-four hours of absence, either a sum not exceeding six days' pay, or any expenses which have been properly incurred in hiring a substitute. Neglecting or refusing to join, or to proceed to sea, absence within 24 hours before sailing, and absence without leave.
3. For quitting the ship without leave after her arrival at her port of delivery, and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay. Quitting without leave before ship is secured.
4. For wilful disobedience to any lawful command he shall be liable to imprisonment for any period not exceeding four weeks, with or without hard labour, and also, at the discretion of the Court, to forfeit out of his wages a sum not exceeding two days' pay. Act of disobedience.
5. For continued wilful disobedience to lawful commands, or continued wilful neglect of duty, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour, and also, at the discretion of the Court, to forfeit for every twenty-four hours' continuance of such disobedience or neglect either a sum not exceeding six days' pay, or any expenses which have been properly incurred in hiring a substitute. Continued disobedience.
6. For assaulting any master or mate, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour. Assault on officers.
7. For combining with any other or others of the crew to disobey lawful commands, or to neglect duty, or to Combining to disobey.

impede the navigation of the ship or the progress of the voyage, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour.

Wilful damage and embezzlement.

8. For wilfully damaging the ship, or embezzling or wilfully damaging any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal in amount to the loss thereby sustained, and also, at the discretion of the Court, to imprisonment for any period not exceeding twelve weeks, with or without hard labour.

Act of smuggling causing loss to owner.

9. For any act of smuggling of which he is convicted, and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay to such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of such liability, without prejudice to any further remedy.

Section 244.  
Entry of offences to be made in Official Log, and to be read over or a copy given to the offender, and his reply, if any, to be also entered.

IX. Upon the commission of any of the offences enumerated in the last preceding section, an entry thereof shall be made in the official log book, and shall be signed by the master, and also by the mate or one of the crew; and the offender, if still in the ship, shall, before the next subsequent arrival of the ship at any port, or if she is at the time in port before her departure therefrom, either be furnished with a copy of such entry or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit; and a statement that a copy of the said entry has been so furnished, or that the same has been so read over as aforesaid, and the reply (if any) made by the offender, shall likewise be entered and signed in manner aforesaid; and in any subsequent legal proceeding the entries hereinbefore required shall, if practicable, be produced or proved, and in default of such production or proof the Court hearing the case may, at its discretion, refuse to receive evidence of the offence.

Section 256.  
Entry of offences in respect of stipulations in agreements must be attested and read over to offender.

X. If any seaman commits any act of misconduct for which, under the stipulations in his agreement, he has subjected himself to a fine, and if it is intended to enforce such fine, an entry thereof shall be made in the official log book, and a copy of such entry shall be furnished, or the same shall be read over to the offender, and an entry of such

reading over, and of the reply (if any) by the offender, shall be made, in the same manner.

XI. All orders made by any naval court shall, whenever practicable, be entered in the official log book of the ship to which the parties to the proceedings before it belong, and shall be signed by the president of the court.

Section 264.  
Orders of  
Naval  
Courts to be  
entered in  
Official  
Logs.

XII. Whenever a survey of provisions or water is made by the direction of any naval or Consular officer, or of any shipping master or chief officer of Customs, a statement of the result of the examination shall be entered in the official log.

Section 221.  
Survey of  
provisions  
and water.

XIII. In the case of foreign-going ships, the master shall within forty-eight hours after the ship's arrival at her final port of destination in the United Kingdom, or upon the discharge of the crew, *whichever first happens*, deliver to the shipping master before whom the crew is discharged the *official log book of the voyage*; and the master or owner of every home trade ship (not exclusively employed in trading between ports on the coasts of the United Kingdom) shall within twenty-one days after the Thirtieth day of June and the Thirty-first day of December in every year, transmit or deliver to some shipping master in the United Kingdom the *official log book for the preceding half year*; and every master or owner who refuses or neglects to deliver his official log book as required, shall incur a penalty not exceeding five pounds, besides subjecting his vessel to detention, by stopping her clearance.

Section 286.  
Official  
Logs to be  
delivered to  
Shipping  
Master on  
arrival of  
ship.

XIV. If any ship ceases by reason of transfer of ownership or change of employment to fall within the definition of a foreign-going or of a home trade ship, the master or owner shall, if such ship is then in the United Kingdom, within one month, and if she is elsewhere, within six months, deliver or transmit to the shipping master at the port to which the ship belonged the official log book (if any) duly made out to the time at which she ceased to be a foreign-going or home trade ship, and in default for each offence he shall incur a *penalty not exceeding ten pounds*; and if any ship is lost or abandoned, the master or owner shall, if practicable, and as soon as possible, deliver or transmit to the shipping master at the port to which the ship belonged the official log book (if any) duly made out to the time of such loss or abandonment, and in default for each offence he shall incur a *penalty not exceeding ten pounds*.

Section 287.  
In case of  
change of  
ownership or  
employment,  
how Official  
Log is to be  
delivered.

Penalty for  
neglect.

Penalty for  
neglect in  
case of loss  
of ship.

XV. The master, owner, or any of the crew of any British ship, if called upon, shall produce the official log book to any officer of the Board of Trade, or any commissioned officer of any of Her Majesty's ships on full pay, or any British Consular officer, or the Registrar-General of Seamen and his Assistant, or any chief officer of Customs in any place in Her Majesty's dominions, or any shipping master, in cases where any such officer or person has reason to suspect that the provisions of the Act or the Laws for the time being relating to merchant seamen and to navigation have not been complied with; and any such officer or person may take copies of official log books or documents, or of any part thereof, and may summon the master to appear and give any explanation concerning his ship or her crew, or the official log books or documents.

Section 13.  
Production  
of Log Book  
may be  
enforced.

XVI. If during the progress of a voyage the master is superseded, or for any other reason quits the ship, and is succeeded in the command by some other person, he shall deliver to his successor the various documents relating to the navigation of the ship and to the crew thereof which are in his custody, and shall in default incur *a penalty not exceeding one hundred pounds*; and such successor shall, immediately on assuming the command of the ship, enter in the official log a list of the documents so delivered to him.

Section 259.  
In case of  
change of  
master,  
ship's papers  
must be de-  
livered over  
to new  
master.  
Penalty for  
neglect.  
Entry of  
documents  
to be made  
in Official  
Log Book.

## INDEX TO ENTRIES IN OFFICIAL LOG BOOK.

ENTRIES.	Reference to any pages in which the various entries appear.
1. Conviction of any member of crew and punishment .....	
2. Offence committed by member of crew for which it is intended to prosecute, or to enforce a forfeiture, or to exact a fine, together with such statement concerning the reading over such entry, and concerning the reply (if any) made to the charge as hereinbefore required .....	
3. Offence for which punishment has been inflicted on board, and the punishment inflicted .....	
4. Statement of the conduct, character, and qualifications of each member of crew .....	
5. Illness, or injury, that has happened to any member of crew, the nature thereof, and the medical treatment adopted (if any, .....	
6. Death that has happened on board, and cause thereof.....	
7. Birth that has happened on board, the sex of the infant, and the names of the parents .....	
8. Marriage that has taken place on board, the names and ages of the parties.....	
9. Name of seaman or apprentice who has ceased to be a member of the crew, otherwise than by death, with the place, time, manner, and cause thereof .....	
10. Amount of wages due to any seaman who has entered Her Majesty's service during the voyage .....	
11. Wages due to any seaman or apprentice who has died during the voyage, and the gross amount of all deductions to be made therefrom .....	
12. Sale of the effects of any seaman or apprentice who has died during the voyage, including a statement of each article sold and of the sum received for it .....	
13. Collision with any other ship, and the circumstances under which the same occurred .....	
14. Order of Naval Court .....	
15. Survey of provisions and water .....	





XXXI. REGULATIONS FOR MAINTAINING DISCIPLINE, SANCTIONED  
BY THE BOARD OF TRADE.

*In pursuance of the Merchant Shipping Act, 17 & 18 Vict. c. 104.*

These Regulations are distinct from and in addition to those contained in the Act, and are sanctioned but not universally required by law. All or any of them may be adopted by agreement between a master and his crew, and thereupon the offences specified in such of them as are so adopted will be legally punishable by the appropriate fines or punishments. These Regulations are all numbered, and the numbers of such of them as are adopted must be inserted in the space left for that purpose in the agreement, and a copy of these Regulations must be made to correspond with the agreement by erasing such of the Regulations as are not adopted, and must then be attached to and kept with the agreement which the master of the ship takes to sea with him. If the agreement is made before a shipping master, his signature or initials must be placed opposite such of the Regulations as are adopted.

For the purpose of legally enforcing any of the following penalties, a statement of the offence must, immediately after its commission, be entered in the official log book by the direction of the master, and must at the same time be attested to be true by the signatures of the master and the mate, or one of the crew; and a copy of such entry must be furnished, or the same must be read over to the offender, before the ship reaches any port or departs from the port at which she is, and an entry that the same has been so furnished or read over, and of the reply, if any, of the offender, must be made and signed in the same manner as the entry of the offence. If the punishment is a fine, these entries must, upon discharge of the offender, be shown to the shipping master before whom the offender is discharged, or, in the case of a home-trade ship, to some shipping master at or near the place where the crew is discharged; and if he is satisfied that the offence is proved, and that the entries have been properly made, the fine must be deducted from the offender's wages, and paid over to the shipping master.

If, in consequence of subsequent good conduct, the master thinks fit to remit or reduce any fine upon any member of his crew which has been entered in the log, and signifies the same to the shipping master, the fine shall be remitted or reduced accordingly. If wages are contracted for by the voyage or by share, the amount of the fines is to be ascertained in the manner in which the amount of forfeiture is ascertained in similar cases under sect. 252.

	OFFENCE.	Amount of Fine or Punishment.	Shipping Master's Signature or Initials.
1	Not being on board at the time fixed by the agreement.....	Two Days' Pay.	
2	Not returning on board at the expiration of leave.....	One Day's Pay.	
3	Insolence or contemptuous language or behaviour towards the master or any mate .....	One Day's Pay.	
4	Striking or assaulting any person on board or belonging to the ship .....	Two Days' Pay.	
5	Quarrelling or provoking to quarrel.....	One Day's Pay.	
6	Swearing or using improper language.....	One Day's Pay.	
7	Bringing or having on board spirituous liquors .....	Three Days' Pay.	
8	Carrying a sheath-knife .....	One Day's Pay.	
9	Drunkenness. First offence .....	Two Days' half allowance of Provisions.	
	Ditto. Second offence.....	Two Days' Pay.	
10	Neglect on the part of the officer in charge of the watch to place the look-out properly .....	Two Days' Pay.	
11	Sleeping or gross negligence while on the look-out .....	Two Days' Pay.	
12	Not extinguishing lights at the times ordered.....	One Day's Pay.	
13	Smoking below .....	One Day's Pay.	
14	Neglecting to bring up, open out, and air bedding, when ordered.....	Half a day's Pay.	
15	(For the Cook)—Not having any meal of the crew ready at the appointed time ...	One Day's Pay.	
16	Not attending Divine service on Sunday, unless prevented by sickness or duty of the ship.....	One Day's Pay.	
17	Interrupting Divine service by indecorous conduct .....	One Day's Pay.	
18	Not being cleaned, shaved, and washed on Sundays .....	One Day's Pay.	
19	Washing clothes on a Sunday.....	One Day's Pay.	
20	Secreting contraband goods on board with intent to smuggle .....	One Month's Pay.	
21	Destroying or defacing the copy of the agreement which is made accessible to the crew .....	One Day's Pay.	
22	If any officer is guilty of any act or default which is made subject to a fine, he shall be liable to a fine of twice the number of days' pay which would be exacted for a like act or default from a seaman, and such fine shall be paid and applied in the same manner as other fines.		

XXXII. FORM TO BE USED IN CASES WHERE SHIPWRECKED SEAMEN ARE PICKED UP AT SEA AND CONVEYED HOME, OR TO ANY OTHER PORT.

I, \_\_\_\_\_, master of the \_\_\_\_\_, merchant vessel, belonging to the port of \_\_\_\_\_, and of the burden of \_\_\_\_\_ tons per register, do solemnly and sincerely declare, That I received on board the said vessel at \_\_\_\_\_ the under mentioned \_\_\_\_\_ seamen, subjects of Great Britain \* [ \_\_\_\_\_, being part or the whole of the crew of the \_\_\_\_\_ merchant vessel, which I have heard and verily believe was on her voyage from \_\_\_\_\_ to \_\_\_\_\_, of the burden of about \_\_\_\_\_ tons, and was owned by \_\_\_\_\_ of \_\_\_\_\_ ].

I further declare that I landed them on the day or days, place or places, set forth in the statement underneath, and subsisted them the number of days against each person expressed, making in the whole † \_\_\_\_\_ days; and that during the whole of such time I had my full complement of men and boys, viz. \_\_\_\_\_ men and boys ‡ exclusive of the under-mentioned seamen, for whom I now claim subsistence; and in proof of the justice of the claim I am willing (if required) to produce my log book, and the declaration of the mate and carpenter; and I make this solemn declaration conscientiously believing the same to be true.

I further declare that || \_\_\_\_\_ were saved from the wrecked vessel.

Men's Names.	Ratings.	When received.	In what vessel shipwrecked.	From what ship received.	When and where landed, or how disposed of.		No. of Days on Board.
					Port.	Date.	

\_\_\_\_\_  
*Master's Signature.*

Declared before me at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

\_\_\_\_\_  
*Magistrate's Signature.*

\* The words between [ ] must be repeated for every wrecked vessel, when more than one, to which the seamen belonged.

† The number here is to be inserted in words at length

‡ If the full complement not on board, state how many were deficient.

|| Here insert the words "not any provisions," or (as the case may be) "the provisions specified on the other side hereof."

*A Statement of all the Provisions saved from the wrecked Vessel.*

Description.	Quantity.	Value.			Remarks.
		£	s.	d.	

NOTE.—When this form is properly filled up and declared to, the master of the ship is to deliver it to the shipping master, and proof must be given to the shipping master that the men have been landed at the port.

If the master wishes the money that may be due to him for the subsistence of the seamen paid to the owners or other parties, he is to sign the following form :

Pay the amount due for the subsistence, etc., of the distressed seamen brought home, as stated on the other side, to \_\_\_\_\_ of \_\_\_\_\_  
Master.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18 .

*Certificate of the Shipping Master.*

I hereby certify, That the number of seamen and boys, as stated on the other side, were landed at this port on the \_\_\_\_\_ day of \_\_\_\_\_, 18 , from the ship \* \_\_\_\_\_, and that, exclusive of such seamen, the full complement of the crew, according to the number shipped on the agreement of the said vessel when she left the United Kingdom, have returned in her.†

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Shipping Master.  
Port.  
Date.

NOTE.—The shipping master, after signing this certificate, is to forward the document to the Registrar-General of Seamen.

\* If all the seamen were not landed, here state the exceptions.  
† If the number of the crew is less than on the original agreement, here state how many are deficient.

*Certificate of the Registrar-General of Seamen.*

Number of Seamen and Boys conveyed.	Number of Days subsisted	Rate per Day.	Amount.	
Deduct, For value of provisions saved from the wreck ...				
For men deficient on the complement of crew days at ... per day...				

I hereby certify, That I have examined the agreement of the ship referred to as having been wrecked, and find that the seamen brought home formed no part of her crew, and that the sum of                      pounds,                      shillings,                      pence, is due to the master of the ship for their conveyance home, as per account in the margin.

\_\_\_\_\_  
*Registrar.*

Dated this                      day of                      , 18 .

*Memorandum.*

Order sent for payment to the shipping master at the port of                      , on the                      day of                      , 18 .

*Board of Trade, Whitehall.*

## XXXIII. VOUCHER FOR PAYMENTS BY A MASTER.

Name of Ship.	Official Number.	Port of Registry.	Name of Master.	Description of Voyage.	Date of Final Termination of Voyage.

I certify that the above-named Master has, in my presence, paid to the crew of the above-named ship, in respect of the above-mentioned voyage, the sum of £ " " .

Signed \_\_\_\_\_ *Shipping Master.*

Dated at                      , the                      day                      , 18 .

XXXIV. FORM TO BE USED IN A CLAIM TO THE ADMIRALTY COURT FOR COMPENSATION FOR SEAMEN HAVING VOLUNTEERED INTO THE NAVY FROM A MERCHANT SHIP.

Particulars of the Claim of \_\_\_\_\_, of the \_\_\_\_\_ or vessel  
for compensation, by reason of \_\_\_\_\_, a seaman, serving on  
board the said vessel, having on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, at \_\_\_\_\_,  
volunteered to and been engaged on board Her Majesty's ship \_\_\_\_\_.

NOTE.—The Answers to the several Questions must be written opposite to the respective questions, in a clear and legible hand, and must be signed by the claimant. Sums of money must be written both in letters and figures. The claimant must sign his name to the answers.

The blanks in the affidavit must then be filled up, and may be sworn to by the claimant before the Judge or Registrar of the High Court of Admiralty of England, or before a Commissioner to administer oaths in Admiralty, or before a Magistrate, or before any person duly authorised to administer oaths in the Court of Admiralty.

When completed, the paper should be left with or sent to the Registrar of the High Court of Admiralty.

QUESTIONS.	ANSWERS.
------------	----------

AS TO THE SHIP.

1. Name of claimant's ship? .....	
2. Her tonnage?.....	
3. Her port?.....	
4. Her complement or usual number of hands?.....	
5. Name and address of the master? .....	
6. Name and address of the principal owner?.....	
7. Voyage on which she was engaged? .....	

QUESTIONS.	ANSWERS.
------------	----------

AS TO THE VOLUNTEER.

- |  |  |
|--|--|
| 8. Name of the seaman who volunteered? ...                       |  |
| 9. His capacity? .....   |  |
| 10. The wages for which he had contracted?                       |  |
| 11. Whether the same were raised during the voyage or not? ..... |  |
| 12. The voyage for which he had contracted?                      |  |
| 13. Whether he signed the ship's articles? ...                   |  |
| 14. When? .....  |  |
| 15. Where? .....   |  |
| 16. Present place of deposit of those articles?                  |  |
| 17. Name of the ship to which he volunteered? .....              |  |
| 18. Time? .....  |  |
| 19. Place? .....   |  |
| 20. Whether with or without the consent of the master? .....     |  |

AS TO SUBSTITUTE.

- |  |  |
|--|--|
| 21. Name of the substitute engaged?.....   |  |
| 22. When? .....  |  |
| 23. Where? .....   |  |
| 24. Number of hands serving on board the vessel, when the substitute was engaged? .....                                  |  |
| 25. Whether it was necessary for the safety and proper navigation of the ship that a substitute should be engaged? ..... |  |
| 26. Voyage for which he contracted? .....  |  |
| 27. Whether he signed the ship's articles? ...   |  |
| 28. When? .....  |  |
| 29. Where? .....   |  |
| 30. Present place of deposit of those articles?  |  |
| 31. Wages for which he contracted? .....   |  |
| 32. Capacity in which he served on board?...   |  |

QUESTIONS.	ANSWERS.
33. Whether the same or greater wages were then given at the port, where the substitute was engaged, to seamen serving in like capacities on board like vessels? .....	
34. Voyages performed by the ship after the substitute was engaged? .....	
35. Port of discharge? .....	
36. Date of arrival thereat? .....	
37. Date of discharge of substitute? .....	
38. Number of months and days during which the substitute served, and for which he was paid?.....	
39. Amount of wages paid to him? .....	
40. Amount which would have been payable to the seaman originally engaged?.....	
41. Amount claimed for compensation? .....	

Signature of Claimant. \_\_\_\_\_

I \_\_\_\_\_, of \_\_\_\_\_, in the \_\_\_\_\_, do make oath and say, That I am the \_\_\_\_\_, of the \_\_\_\_\_ or vessel \_\_\_\_\_ of the port of \_\_\_\_\_, and as such the claimant in this case: That the foregoing statement, to which I have subscribed my name contains true and correct answers to the several printed questions opposite to which the said answers are respectively written, and that there is now justly due and owing to me the sum of \_\_\_\_\_ pounds shillings and \_\_\_\_\_ pence, as compensation for the excess of wages and remuneration paid by me by reason of \_\_\_\_\_, a seaman belonging to my said vessel, having on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, at \_\_\_\_\_, volunteered to Her Majesty's ship \_\_\_\_\_, and of my having been thereby compelled to hire a substitute in his place.

Sworn by the said \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, at \_\_\_\_\_ in the \_\_\_\_\_  
Before me,



## SECTION THE SEVENTH.

15 VICT. CAP. 26.

*An Act to enable Her Majesty to carry into effect Arrangements made with Foreign Powers for the Apprehension of Seamen who desert from their Ships.*

[17th June, 1852.]

WHEREAS arrangements have been made with certain Foreign Powers for the recovery of seamen deserting from the ships of such powers when in British ports, and for the recovery of seamen deserting from British ships when in the ports of such powers : And whereas it is expedient to enable Her Majesty to carry such arrangements into effect, and likewise to enable Her Majesty to carry into effect any similar arrangements of a like nature which may be made hereafter : Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. Whenever it is made to appear to Her Majesty that due facilities are or will be given for recovering and apprehending seamen who desert from British merchant ships in the territories of any foreign power, Her Majesty may, by Order in Council stating that such facilities are or will be given, declare that seamen, not being slaves, who desert from merchant ships belonging to a subject of such power, when within Her Majesty's dominions or the territories of the East India Company, shall be liable to be apprehended and carried on board their respective ships, and may limit the operation of such Order, and may render the operation thereof subject to such conditions and qualifications, if any, as may be deemed expedient.

Her Majesty may by Order in Council declare that Deserters from Ships of Foreign Powers may be apprehended and given up.

2. Upon such publication as hereinafter mentioned of any such Order in Council, then, during such time as the same remains in force, and subject to such limitations and qualifications, if any, as may be therein contained, every Justice of the Peace or other officer having jurisdiction in the case of seamen who desert from British merchant ships in Her Majesty's dominions or in the territories of the East India Company shall, on application being made by a Consul of the foreign

Upon publication of Order in Council Justices shall aid in recovering Deserters from the ships of Foreign Powers, and may apprehend them, and

send them  
on board.

power to which such Order in Council relates, or his deputy or representative, aid in apprehending any seaman or apprentice who deserts from any merchant ship belonging to a subject of such power, and may for that purpose, upon complaint on oath duly made, issue his warrant for the apprehension of any such deserter, and, upon due proof of the desertion, order him to be conveyed on board the vessel to which he belongs, or to be delivered to the master or mate of such vessel, or to the owner of such vessel or his agent, to be so conveyed ; and thereupon it shall be lawful for the person ordered to convey such deserter, or for the master or mate of such vessel, or the owner or his agent (as the case may require), to convey him on board accordingly.

Penalty on  
persons har-  
bouring  
such De-  
serters.

3. If any person protects or harbours any deserter who is liable to be apprehended under this Act, knowing or having reason to believe that he has deserted, such person shall for every offence be liable to a penalty not exceeding ten pounds, and every such penalty shall be recovered, paid, and applied in the same manner as penalties for harbouring or protecting deserters from British merchant ships.

Orders to be  
published in  
the *London*  
*Gazette*.

4. Every Order in Council to be made under the authority of this Act shall be published in the *London Gazette* as soon as may be after the making thereof.

Orders may  
be revoked  
or altered.

5. Her Majesty may by Order in Council from time to time revoke or alter any Order in Council previously made under the authority of this Act.

Short Title.

6. This Act may be cited as the "Foreign Deserters Act, 1852."

The following countries have received Orders in Council in furtherance of the provisions of the said Act :

Austria . . . . .	16th October, 1852.
Belgium . . . . .	8th February, 1855.
Denmark . . . . .	June, 1853.
France . . . . .	3rd July, 1852.
Hanover . . . . .	8th June, 1854.
Hanseatic States . . . . .	16th October, 1852.
Mecklenburg Schwerin . . . . .	9th March, 1854.
Netherlands . . . . .	Ditto.
Oldenburgh . . . . .	June, 1853.
Prussia . . . . .	16th October, 1852.
*Russia . . . . .	November, 1852.
Sardinia . . . . .	10th March, 1855.
Two Sicilies . . . . .	September, 1853.

\* Annulled by the war.

## SECTION THE EIGHTH.

## TREATIES, ETC.\*

## No. 1.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the \_\_\_\_\_, being equally desirous of affording every facility and encouragement to their respective subjects and citizens engaged in commercial intercourse with each other, have nominated as their Plenipotentiaries to conclude a Treaty for this purpose; that is to say, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the \_\_\_\_\_ (*here name, rank, and title of Plenipotentiary*), and \_\_\_\_\_ (*here name, rank, etc. of other ambassador*). Who having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

## No. 2.

From and after the date of the exchange of the ratifications of the present treaty, British vessels entering or departing from the ports of \_\_\_\_\_, and its dependencies, and \_\_\_\_\_ vessels entering or departing from the ports of the United Kingdom of Great Britain and Ireland, or of Her Britannic Majesty's possessions abroad, shall be subject to no other or higher dues or charges, of whatsoever nature they may be, than those which are now, or shall hereafter be, imposed upon national vessels entering or departing from such ports respectively.

## No. 3.

All articles, of the growth, produce or manufacture of any of the dominions of either of the High Contracting Parties, which are, or shall be permitted to be imported into, or exported from the ports of the United Kingdom, and of \_\_\_\_\_ respectively, in vessels of the one country, shall in like manner be permitted to be imported into, and exported from those ports in vessels of the other.

All articles not of the growth, produce, or manufacture of the dominions of Her Britannic Majesty, which can legally be imported from the United Kingdom of Great Britain and Ireland into the ports of \_\_\_\_\_, in British ships, shall be subject only to the same duties as are payable upon the like articles, if imported in \_\_\_\_\_ ships, and the same reciprocity shall be observed in the ports of the United Kingdom

in respect to all articles, not the growth, produce, or manufacture of the dominions of Her said Majesty, which can legally be imported into the ports of the United Kingdom in                    ships.

All goods, wares, and merchandise which can legally be imported into the ports of either country, shall be admitted at the same rate of duty, whether imported in the vessels of the other country, or in national vessels; and all goods, wares, or merchandise, which can be legally exported from the ports of either country, shall be entitled to the same bounties, drawbacks, and allowances, whether exported in vessels of the other country, or in national vessels.

*No. 4.*

No priority or preference shall be given, directly or indirectly, by the Government of either country, or by any company, corporation, or agent acting on its behalf, or under its authority, in the purchase of any article, the growth, produce, or manufacture of either country, imported into the other, on account of, or in reference to the character of the vessel in which the article was imported; it being the true intent and meaning of the High Contracting Parties that no distinction or difference whatever shall be made in this respect.

*No. 5.*

All merchants, commanders of ships, and others, the subjects of Her Britannic Majesty, shall have full liberty, in all the territories of                   , to manage their own affairs themselves, or to commit them to the management of whomsoever they please, as broker, factor, agent, or interpreter; nor shall they be obliged to employ any other persons for those purposes than those employed by                   , or to pay them any other salary or remuneration, than such as is paid in like cases by                   citizens, and absolute freedom shall be allowed in all cases to the buyer and seller, to bargain and fix the price of any goods, wares, or merchandise imported into, or exported from                   as they shall see good, observing the laws and established custom of the country. The same privileges shall be enjoyed in the dominions of Her Britannic Majesty, by the citizens of                   under the same conditions.

*No. 6.*

The citizens and subjects of the Contracting Parties, in the territory of each other, shall receive and enjoy full and perfect protection for their persons and property, and shall have free and open access to the Courts of Justice in the said countries respectively, for the prosecution and defence of their just rights; and they shall be at

liberty to employ, in all causes, the advocates, attornies, or agents of whatever description, whom they may think proper, and they shall enjoy in this respect the same rights and privileges therein as native citizens.

*No. 7.*

In whatever relates to the succession of personal estates, by will or otherwise, and the disposal of personal property of every sort and denomination, by sale, donation, exchange, or testament, or in any other manner whatsoever, as also the administration of justice, the subjects and citizens of the two Contracting Powers shall enjoy in their respective dominions and territories the same privileges, liberties, and rights, as native subjects, and shall not be charged in any of these respects with any higher imposts and duties, than those which are paid, or may be paid by the native subjects or citizens of the power in whose dominions or territories they may be resident.

*No. 8.*

In all that relates to the police of the ports, the lading and unlading of ships, the safety of merchandise, goods, and effects, the subjects of Her Britannic Majesty, and the citizens of , respectively, shall be subject to the local laws and regulations of the dominions and territories in which they may reside. They shall be exempted from all compulsory military service, whether by sea or land, no forced loans shall be levied on them, nor shall their property be subject to any other charges, requisitions, or taxes, than such as are paid by the native subjects or citizens of the contracting parties in their respective dominions.

*No. 9.*

For the better security of commerce between the subjects of Her Britannic Majesty and the citizens of , it is agreed that if at any time any interruption of any friendly commercial intercourse, or any rupture should unfortunately take place between the two Contracting Parties, the subjects or citizens of either of the two Contracting Parties, residing in the dominions of the other, shall have the privilege of remaining and continuing their trade therein, without any manner of interruption, so long as they behave peaceably, and commit no offence against the laws ; and their effects and property, whether entrusted to individuals or to the state, shall not be liable to seizure or sequestration, or to any other demands than those which may be made upon the like effects or property belonging to the native inhabitants of the state in which such subject or citizen may reside.

*No. 10.*

For the better security of commerce between the subjects of Her Britannic Majesty and the citizens of , it is agreed that if at any time any interruption of friendly intercourse, or any rupture should unfortunately take place between the two Contracting Parties, the subjects or citizens of either of the two Contracting Parties residing upon the coasts shall be allowed six months, and those residing in the interior a whole year, to wind up their accounts and dispose of their property ; and a safe conduct shall be given them to embark at the ports which they themselves shall select.

*No. 11.*

In order to avoid any misunderstanding with regard to the regulations that determine the conditions which constitute a British or a vessel, it is hereby agreed that all vessels built in the dominions of Her Britannic Majesty, and all vessels which, having been captured from an enemy by Her Majesty's ships of war or by the subjects of her said Majesty, furnished by the Lords Commissioners of the Admiralty with letters of marque, shall have been regularly condemned in one of Her said Majesty's Prize Courts as a lawful prize ; and all vessels which shall have been condemned in any competent Court for a breach of the laws made for the prevention of the slave trade, shall, provided they are owned, navigated, and registered according to the laws of Great Britain, be considered as British vessels ; and that all vessels built in the territories of of the , or which, having been captured from an enemy by ships of war or by the subjects of furnished with letters of marque, shall have been regularly condemned in one of the Prize Courts of the kingdom of as a lawful prize : and all vessels which shall have been condemned in any competent Court, for a breach of the laws made for the prevention of the slave trade, shall, provided they are wholly owned by any subject or subjects of , and provided that the master and three-fourths of the crew are sub-jects, be considered as vessels.

*No. 12.*

The respective ships of war and Post-office packets of the two Countries shall have liberty freely and securely to come to all harbours, rivers, and places to which other foreign ships of war and packets are, or may be permitted to come, to enter into the same, to anchor and to remain there, and refit ; subject always to the laws and statutes of the two countries respectively.

Any British or vessels which may be compelled by stress of

weather or by accident to take shelter in the ports of either of the High Contracting Parties, shall be at liberty to refit therein, to procure all necessary stores and to put to sea again, without paying any other than port or lighthouse dues, which shall be the same as those payable by national vessels. In case, however, the master of such vessel should be under the necessity of disposing of a part of the merchandise in order to defray his expenses, he shall be bound to conform to the regulations and tariffs of the place to which he may have come.

*No. 13.*

In the event of any subject or citizen of either of the two Contracting Parties dying without will or testament in the dominions or territories of the said Contracting Parties, the Consul-General or Consul of the said nation, or in his absence his representative, shall have the right to nominate curators to take charge of the property of the deceased so far as the laws of each country will permit, for the benefit of his lawful heirs and creditors, without interference, giving convenient notice thereof to the authorities of the country.

*No. 14.*

The subjects of Her Britannic Majesty and the citizens of respectively, shall enjoy in their houses, persons, and properties, the protection of the Government, and continue in possession of the privileges which they now enjoy.

The subjects of Her Britannic Majesty residing in the territories of shall furthermore enjoy the most perfect and entire security of conscience, without being annoyed, prevented, or disturbed on account of their religious belief; neither shall they be annoyed, molested, or disturbed in the proper exercise of their religion, provided that this take place in private houses, and with the decorum due to Divine worship, with due respect to the laws, usages, and customs of the country. In the like manner the citizens of shall enjoy within all the dominions of Her Britannic Majesty, a perfect and unrestrained liberty of conscience, and of exercising their religion publicly and privately within their own dwelling-houses, or in the chapels and places of worship appointed for that purpose, agreeably to the system of toleration established in the dominions of Her said Majesty. Liberty shall also be granted to bury the subjects of either of the two contracting parties who may die in the dominions or territories of the other, in burial places of their own, which in the same manner they may freely establish and maintain; nor shall the funerals or sepulchres of the dead be disturbed in any way or upon any account.

*No. 15.*

It is agreed and covenanted that neither of the High Contracting Parties shall knowingly and wilfully receive into and entertain in their service persons, subjects of the other power, deserting from the military service thereof, whether by sea or land; but that on the contrary, they shall each respectively discharge any such person from their service upon being required. But it is agreed and declared, that neither of the High Contracting Parties shall grant to any other state any favour, on the subject of persons deserting from the service of that state which shall not be considered as granted also to the other High Contracting Party, in the same manner as if the said favour had been expressly stipulated by the present Treaty.

*No. 16.*

And it is further agreed, that in cases of apprentices or sailors deserting from vessels belonging to the subjects of either of the High Contracting Parties while within the ports of the other party, the magistrates shall be bound to give every assistance in their power for the apprehension of such deserters, on due application to that effect being made by the Consul-General or Consul, or by his deputy or representative; and that no public body, civil or religious, shall protect or harbour such deserters.

*No. 17.*

In order to regulate what is in future to be deemed contraband of war, it is agreed that under the said denomination shall be comprised all arms and implements serving for the purposes of war by land or by sea, such as cannon, muskets, pistols, mortars, petards, bombs, grenades, carcasses, saucissons, carriages for cannon, musket-rests, bandoliers, gunpowder, match, saltpetre, ball, pikes, swords, head-pieces, cuirasses, halberts, lances, javelins, horse furniture, holsters, belts, and generally all other implements in war; as also timber for ship-building, tar or resin, copper in sheets, sails, hemp and cordage, and generally whatsoever may serve directly to the equipment of vessels of war, unwrought iron and fir-planks excepted: and all the above articles are hereby declared to be just objects of confiscation whenever they are attempted to be carried to an enemy.

*No. 18.*

Whenever it happens that any ships of war or merchantmen belonging to either state are wrecked in the ports or on the coasts of their respective territories, the authorities and officers of Customs of the place shall lend every possible assistance towards saving the



persons and effects which are wrecked, and shall also provide for the security and care of the articles saved or of their proceeds, in order that they may be restored to their respective Governments if the vessel wrecked be a ship of war, or if she be a merchant vessel, to the owner or his attorney duly authorised, or in his absence to the respective Consul, whenever the delivery may be claimed, or so soon as the salvage and expenses incurred in the custody of the goods claimed shall be saved ; and no higher charge of salvage shall be allowed in either Country upon the ships of the other than upon national ships. Goods saved from shipwreck shall not be liable to pay duties, unless cleared for consumption.

*No. 19.*

The subjects and citizens of the two Countries respectively shall have liberty freely and securely to come with their ships and cargoes, or with goods borne by land or by inland navigation to all such places, ports, and rivers in the respective territories to which other foreigners are or may be permitted to come ; and to enter into the same, and to remain and reside in any port or place of the said territories respectively ; and to hire and occupy houses and warehouses for the purposes of their commerce, in such manner as is permitted to merchants of the most favoured nations ; and generally the merchants and traders of each State shall, within the territories of the other, enjoy the most complete protection and security for their commerce, subject always to the laws and statutes of the two States respectively ; and generally each of the said High Contracting Parties agrees to place the other, in all that respects trade, commerce, and navigation, on the footing of the most favoured nation.

*No. 20.*

It is mutually agreed, that no higher or other duties shall be levied in the territories of either of the High Contracting Parties upon any personal property of the subjects and citizens of each respectively, on the removal of the same from the said territories (either upon inheritance of such property or otherwise), than are or shall be payable in each State upon the like property, when removed by a subject or citizen of such State respectively.

*No. 21.*

The High Contracting Parties reserve to themselves to enter upon additional stipulations for the purpose of facilitating and extending, even beyond what is comprehended in the Treaty of this date, the commercial relations of their respective subjects and dominions, citizens and territories, upon the principle either of reciprocal or equivalent

advantages, as the case may be ; and in the event of any article or articles being concluded between the said High Contracting Parties for giving effect to such stipulations, it is hereby agreed that the article or articles which may hereafter be so concluded, shall be considered as forming part of the present Treaty.

*No. 22.*

It is further agreed, that in all cases where, in either Kingdom, the duty to be levied upon any goods imported shall be, not a fixed rate, but a proportion of the value of the goods, such *ad valorem* duty shall be ascertained and secured in the following manner, that is to say : The importer shall, on making his entry for the payment of duty at the Custom House of either Country, sign a declaration stating the value of the goods at such amount as he shall deem proper ; and in case the representative officer or officers of the Customs should be of opinion that such value is insufficient, he or they shall be at liberty to take the goods, on paying the importer the value according to his declaration, together with the addition of 10 per cent. and on returning the duty paid. The amount of these sums to be paid by the said officer or officers on delivery of the goods to him or them, which must be within fifteen days from the first detention of the goods.

*No. 23.*

The stipulations of the present Treaty shall not apply to the coasting trade carried on between port and port in the dominions of either Contracting Party by the sailing or steam vessels of the other, so far as regards the carrying of passengers, merchandise, or articles of commerce ; this trade being reserved exclusively to national vessels.

*No. 24.*

The subjects of the Ionian Islands, shall, in consequence of their being actually under the immediate protection of Her Britannic Majesty, enjoy all the advantages which are granted to the commerce and to the subjects of Great Britain by the present Treaty ; it being well understood that, to prevent all abuses, and to prove its identity, every Ionian vessel shall be furnished with a patent signed by the Lord High Commissioner or his representative.

*No. 25.*

The present Treaty shall remain in force during the space of ten years, dating from the exchange of ratifications thereof ; and further until the expiration of twelve months after either of the High Contracting Parties shall have given notice to the other of its intention to put an end thereto : each of the High Contracting Parties reserving to itself

the right of giving such notice to the other, at the expiration of the first nine years ; and it is agreed between them that at the expiration of twelve months after such notice shall have been received by either of the High Contracting Parties from the other, the present Treaty and all the stipulations contained therein shall cease to be binding on the two Parties.

*No. 26.*

The present Treaty shall be ratified, and the ratifications thereof exchanged at \_\_\_\_\_, at the expiration of one month, or sooner, if possible. In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at

*No. 27.\**

That the ships of either Party shall have free liberty to enter into any port or river belonging to the dominions of the Other, where they shall pay duties only for what they sell, and for the rest, may freely export it again without molestation ; and shall enjoy all other accustomed privileges.

*No. 28.*

That there shall not be any seizure made of any of the ships of either Party either at sea or in port ; but they shall pass without any interruption, they displaying their colours ; and to prevent any misunderstandings the ships of \_\_\_\_\_ shall be furnished with certificates, under the hand and seal of the British Consul, of their belonging to \_\_\_\_\_, which they are to produce on meeting any English ship, on board of whom they shall have liberty of sending two men only, peaceably to satisfy themselves of their being English, who, as well as any passengers of any other nations they may have on board, shall go free, both they and their goods.

*No. 29.*

That if an English ship receive on board any goods or passengers belonging to the kingdom of \_\_\_\_\_, they shall be bound to defend them and their goods, so far as lieth in their power, and not deliver them unto their enemies ; and the better to prevent any unjust demands being made on the crown of Great Britain, and to avoid disputes and differences that might arise, all goods and merchandise that shall from henceforward be shipped by the subjects of \_\_\_\_\_, either in this port, or in any other whatsoever on board the ships or

\* The remaining clauses are generally those inserted in Treaties with Barbary States.

vessels belonging to Great Britain, shall be first entered in the office of Cancellaria, before the British Consul residing at the respective port, expressing the quantity, quality, and value of the goods so shipped, which the said Consul is to manifest in the clearance given to the said ship or vessel before she departs: to the end that if any cause of complaint should happen hereafter, there may be no greater claims made on the British nation than by this method shall be proved to be just and equitable.

*No. 30.*

That if any of the ships of either Party shall by accident and foul weather or otherwise be cast away upon any of the coasts belonging to the Other, the persons shall be free, and the goods saved and delivered to the proprietors thereof.

*No. 31.*

That the English which do at present, or shall at any time hereafter, inhabit in the city or kingdom of \_\_\_\_\_, shall have free liberty, when they please, to transport themselves, with their families and children, although born in the country.

*No. 32.*

That the people belonging to the dominions of either Party shall not be abused with ill-language or otherwise ill-treated; but the parties so offending shall be punished severely according to their deserts.

*No. 33.*

That the Consul or any other of the English nation residing in \_\_\_\_\_ shall not be obliged to make their addresses, in any difference, unto any Court of Justice, but to the Bashaw or Dey himself, from whom only they shall receive judgment, in case the difference should happen between a subject of Great Britain and another of this Government, or any other foreign nation; but if it should be between two of Her Britannic Majesty's subjects, then it is to be decided by the British Consul only.

*No. 34.*

That neither the English Consul nor any other of Her Majesty's subjects shall be liable to pay the debts of any other of the nation, unless particularly bound thereto under his own hand.

*No. 35.*

That whereas the island of Minorca, in the Mediterranean Sea, and

the city of Gibraltar in Spain, do now belong to Her Majesty the Queen of Great Britain. It is hereby agreed and fully concluded, that from this time forward for ever, the said island of Minorca shall be esteemed (as likewise Gibraltar) by the Government of \_\_\_\_\_ to be in every respect part of Her Britannic Majesty's dominions; and the inhabitants thereof shall be looked upon as Her Majesty's natural born subjects, in the same manner as if they had been born in any other part of Great Britain; and they, with their ships and vessels wearing British colours, shall be permitted freely to trade and traffic in any part of the kingdom of \_\_\_\_\_, and shall pass without any molestation whatsoever, either on the seas or elsewhere, in the same manner and with the same freedom and privileges that have been stipulated in this and all former treaties in behalf of the British nation and subjects.

*No. 36.*

That the better and more firmly to maintain the good correspondence and friendship that have been so long and happily established between the Crown of Great Britain and the Government of \_\_\_\_\_, it is hereby agreed and concluded by the parties before mentioned, that none of the ships and vessels belonging to \_\_\_\_\_, or the dominions thereof, shall be permitted to cruise or look for prizes, of any nature whatsoever, before or in sight of the aforesaid city of Gibraltar, or any of the ports in the island of Minorca, to hinder or molest any vessels bringing provisions or refreshments for Her Britannic Majesty's troops and garrisons in those places, or to give any disturbance to the trade and commerce thereof; and if any prize shall be taken by the ships or vessels of \_\_\_\_\_, within the space of ten miles of the aforesaid places, she shall be restored without any contradiction.

*No. 37.*

That all ships of war belonging to the dominions of either Party shall have free liberty to use each other's ports for washing or cleaning and repairing any of their defects, and to buy and ship off any sort of victuals, alive or dead, or any other necessaries, at the price the natives buy at in the market, without paying custom to any officer; and whereas Her Britannic Majesty's ships of war do frequently assemble and harbour in the port of Mahon in the island of Minorca, if, at any time, they or Her Majesty's troops in garrison there should be in want of provisions, and should send from thence to purchase supplies in any part of the dominions belonging to \_\_\_\_\_, they shall be permitted to buy cattle alive or dead, and all other kinds of provisions, at the prices they are sold at in the market; and shall

be suffered to carry it off without paying duty to any officer, in the same manner as if Her Majesty's ships were themselves in the port.

*No. 38.*

That in case any ship of war belonging to the kingdom of shall take in any of their enemy's ships any Englishman serving for wages, they are to be made slaves ; but if merchants or passengers, they are to enjoy their liberty and goods free.

*No. 39.*

That if any slave of shall make his escape from thence, and get on board an English man-of-war, the said slave shall be free, and neither the English Consul, nor any of his nation, shall in any manner be questioned about the same.

*No. 40.*

That the better to prevent any disputes that may hereafter arise between the two Parties about salutes and public ceremonies, it is hereby agreed and concluded, that whenever any flag-officer of Great Britain shall arrive in the Bay of , in any of Her Majesty's ships of war, there shall be shot off from the Castle of , or other the nearest fortifications belonging to , a number of guns, according to custom, as a royal salute to Her British Majesty's colours, and the same number shall be returned in answer thereto by Her Majesty's ships : and it is hereby stipulated and agreed, that all ceremonies of honour shall be allowed to the British Consul who resides here, to represent equally in every respect Her Majesty's person to any other nation whatsoever, and no other Consul in the kingdom to be permitted before him in precedence.

*No. 41.*

It is moreover agreed, concluded, and established, that in case any British ship or ships, or any of the subjects of Her Majesty of Great Britain, shall import at the port of , or any port of this kingdom, any warlike stores, as cannons, muskets, pistols, cannon powder or fine powder, bullets, masts, anchors, cables, pitch, tar, or the like ; as also provisions, viz., wheat, barley, beans, oats, oil, or the like, for the said kinds of merchandise they shall not pay any sort of duty or custom whatever.

*No. 42.*

That in case a war should happen between Her Britannic Majesty and any other state or nation whatever, the ships of shall not

in any sort afford assistance to the enemies of Her Majesty or Her subjects.

*No. 43 A.*

That if an Englishman kill a Turk, he shall be judged before the Cadi of the place, according to justice. If he be found guilty of the crime he shall be punished with death ; but if he escape, the Consul shall not be molested or called upon for that account ; and the Consul shall always have timely notice, that he may have an opportunity of being present at the trial.

*No. 43 B.*

That in case any subject of Her Majesty the Queen of England, being in any part of the kingdom of , happen to strike, wound, or kill a Turk or a Moor, if he be taken, he is to be punished in the same manner, and with no greater severity, than a Turk ought to be, being guilty of the same offence ; but if he escape, neither the English Consul, nor any other of Her said Majesty's subjects, shall be in any sort troubled or questioned therefore.

*No. 44.*

That if at any time a war or rupture happen between the two Contracting Powers, the English Consul and his nation may freely depart with all their goods and effects ; and this article is to be reciprocal for the subjects of .

*No. 45.*

That whereas Gibraltar and the island of Minorca do belong to Her Britannic Majesty, if at any time any of the cruisers of should meet with any vessels of the said places under English colours, furnished with proper passports, they shall be treated in all respects like other English ships, provided that there be no more than one-third part of the ship's company who are not subjects of Her Majesty ; for in such case, they the said strangers shall be deemed as prisoners ; but it is allowed to embark as many merchants or passengers as they see good, be they of what nation soever ; and if at any time a man-of-war shall take a ship from their enemies, on board of which may happen to be any British subjects, they shall be immediately released, with all their goods and merchandise, provided always that they be provided with proper passports : and this Article is to be observed reciprocally on the part of the English.

*No. 46.*

That if any British ships or vessels meet with any of the ships or

vessels belonging to the state of \_\_\_\_\_, and there should be any injury or offence given on either side, justice being properly demanded shall be immediately done, and the aggressor shall be severely punished, without it occasioning any breach or war.

*No. 47.*

That Her Britannic Majesty's subjects shall be always treated by the state of \_\_\_\_\_ with the highest degree of respect, love, and honour; because the English, of all other powers, are their first and best friends.

*No. 48.*

That new Mediterranean passes shall be issued out and given to Her said Majesty's trading subjects, with all convenient speed; and that the time for the continuation of the old passes for the ships in the Indies and remote parts, shall be three years; and for other ships and vessels one year, to commence from the delivery of the counter top of new passes at \_\_\_\_\_, of which Her Majesty's Consul here shall give the earliest notice to the state; and it is hereby expressly agreed and declared that the said old pass shall, during the above-mentioned space of time of three years and one year, be of full and sufficient force and effect to protect all ships and vessels of Her said Majesty's subjects, who shall be provided with the same.

*No. 49.*

That all packets bearing Her Britannic Majesty's commission which shall be met by any of the cruisers of \_\_\_\_\_, shall be treated with the same respect as Her Majesty's ships of war; and all due respect shall be paid to Her Majesty's commission, and both at meeting and parting they shall be treated as friends; and if any of the cruisers of \_\_\_\_\_ commit the least fault or violence against them, the captain or officers so offending shall, on their arrival at \_\_\_\_\_, and proper complaint being made of them, be most severely punished, without admitting of any excuse.

*No. 50.*

*Vide Consular Privileges.*

*No. 51.*

That if any ship of any nation do bring any ships, men, or goods, belonging to any of the subjects of Her Majesty the Queen of Great Britain, etc., into \_\_\_\_\_ or any of the ports thereto belonging, the governors there shall not permit them to be sold within the said territories; and for the time to come that no subject of Her said Majesty be bought or sold, or made slave in \_\_\_\_\_ or its territories.



*No. 52.*

If any ship or vessel belonging to the Queen of England or Her subjects shall come to any port within the        dominions with a prize or prize goods, they shall be at liberty to sell them, without hindrance or molestation, or depart therewith as they please.

*No. 53.*

That British subjects in        or its territories, in matter of controversy, shall be liable to no other jurisdiction but that of the Dey, except they happen to have difference between themselves, in which case they shall be liable to no other determination but that of the Consul only.

*No. 54.*

Neither shall British subjects be liable to arbitrary visits or searches, nor shall any examination or investigation of their books and papers be made under any pretext whatsoever.

It is understood withal, that in cases of treason, contraband, or other crimes specified in the laws of each country, searches, visits, or investigations cannot be made, nor shall they take place unless in the presence of the competent magistrate.

*No. 55.*

For the greater security of commerce and freedom of navigation, it is concluded and agreed, that neither Party, as much as may be and shall lie in their powers, shall permit that public pirates or other robbers upon the sea, in any of the ports of the other kingdom or country, have their receptacles or retreats, or shall suffer that any of the inhabitants or people of either prince, do receive them into their houses, or supply them with provisions, or be otherwise assisting to them, but on the contrary shall endeavour that the said pirates or robbers and their partisans and accomplices be apprehended and punished according to their demerit, and the ships and goods, as much as can be found of them, restored to the lawful owners or their agents, provided their right be made appear by due proof of law in the Court of Admiralty.

*No. 56.*

If any privateer ship or vessel, belonging to any power whatsoever at war with the Queen of England, shall be in any bay, port, or road of the        dominions where at the same time there shall be vessels belonging to the Queen of England or Her subjects, the said vessels of the enemy shall not be permitted to offer any violence to them, nor

to sail under twenty-four hours after the said vessels shall be departed; and in like manner shall all vessels of the                      or his subjects be protected in the ports of the Queen of England.

*No. 57.*

And generally, it is agreed, that the subjects of the High Contracting Parties respectively, that enjoy in all the territories of the other, with respect to their vessels, goods, and person, any rights, privileges, favours, or exemptions, which are or which may be any time hereafter granted to the subjects of the most favoured nation.

*No. 58.*

If a                      subject should resist or evade payment of his just debts to a British subject, the authorities of                      shall afford to the British subject every aid and facility to recover the amount due; and in like manner the British Consul shall afford every aid and facility to                      subjects in recovering debts justly due to them from a British subject.

*No. 59.*

And it is mutually agreed between the two High Contracting Parties, that all the ports of each others states (with the exception of those prohibited), where there are or may be Custom Houses, shall be free ports for the reception and admission of all articles whatsoever, the produce or manufacture of each others dominions, not destined for consumption at the place they may have been received or admitted, but for exportation; and the articles thus received and admitted (subject to due regulations) shall be exempted from the duties with which they would be charged, if destined for consumption at the place at which they may be landed or warehoused, and liable only to the same expenses that may be paid by national produce received and warehoused for re-exportation in ports of the dominions of the said High Contracting Parties.

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*Aden.*

1839. 2nd February.—Friendship and Peace.—Non-injury, and no insult to be given.—Persons in the interior shall not molest any one.

1839. 31st January.—Ditto.

1839. 4th February.—Ditto. Merchants shall be free to trade without oppression.

*Africa (West).—Aboh.*

1841. 28th August.—Peace and Friendship.—Slave trade to be utterly abolished.—Officers of Great Britain may seize vessels, etc., carrying on slave trade, and shall make due inquiry into the case.—That no persons after signing the agreement shall be made slaves.—British people may freely come and go, and exercise their religion.—British people may trade freely, and that the customs and dues shall in no case exceed one-twentieth part of the value of the goods, and that no duties shall be levied on goods exported.—They may carry goods through the Aboh country, and may buy and sell or hire lands and goods ; but they must not break the laws of the Aboh country.—Aboh people shall be made to pay their debts to the English.—British ships navigating in the Aboh rivers, etc., shall be subject to no duty.—Duties payable under the Treaty.

*Antonio Lahon.*

28th February, 1848.—Similar to that of Batanga Benito.

*Batanga.*

1847. 5th July.—Ditto.

*Batanga Benito.*

1848. 7th April.—Slave trade to be abolished.—No person shall be allowed to reside for the purposes of slave trade.—British subjects may always trade freely, and privileges given to ships or traders of other nations shall be given to those of England.—Power of France to join Treaty.

*Bereira.*

1845. 28th May.—Similar to those of Aboh.

*Bimbia.*

1844. 17th February.—24th February, 1846.—19th December, 1850.—Same as Batanga Benito.

*Biomba.*

1849. 24th May.—Same as Batanga Benito.

*Bolola.*

1847. 27th February.—Ditto.

*Bonny.*

25th January, 1836.—9th April, 1837.—No British subject to be detained on shore.—In case of misunderstandings, captains to go freely on shore and settle differences, and offenders shall be punished.—Duties

to be paid by merchant ships.—No master, in future, to give out part of his cargo on trust.—Property destroyed by fire, all assistance to be given for recovery.—Oil in casks to be property of the ships, in properly marked casks.—Penalty for shipping in disfigured or unmarked casks.

1848. 21st November.—Similar to Batanga Benito.

*Cagnabac.*

1847. 26th January.—Same as Batanga Benito.

*Calabar.*

1841. 6th December.—Abolition of slave trade.—Information to be given to British vessels of any slave ships.—Payment of tribute.—Confirmed by Treaty of 28th May, 1849.

*Camaroons.*

18th March, 1840.—Non-molestation in trading.—Protection of English factory.—Trusts on death of trader to be transferred to successor.—Stoppage for payment of trust.—Assistance to be given to Mr Lilly for recovery of debts of Hamilton and Co.

*Camaroons (Bell and Acqua.)*

7th May, 1841.—Same as Calabar.

*Camaroons.*

17th December, 1850.—Ditto.

*Camma.*

25th May, 1848.—Same as Batanga Benito.

*Cantalicunda.*

18th January, 1843.—Peace and Friendship.—Freedom of mutual trade.—Abolition of slave trade.—Allowance to seize slave vessels.—English may freely come, stay, and pass though the Cantalicunda country.—Prevention of compulsion to buy and sell.—Paths to be kept open through Cantalicunda for trade.—Freedom to buy, sell, hiring of lands and houses.—Punishment for ill-treatment of English people.—English people not to break laws of Cantalicunda.—Restoration of property forcibly taken.—Payment of debts.—Appointment of agent by Queen of England to reside at Cantalicunda.—Promulgation of law of the Treaty.—Payment to Chief of Cantalicunda.

*Cape Mount.*

21st February, 1841.—Abolition of slave trade.—Reciprocity of trade.—Protection of Englishmen.—Establishment of factory.—Misunderstanding to be referred to respective nations.

*Cartabar.*

23rd April, 1841.—Same as Cantalicunda, having reference, however, to Cartabar.

*Chacoonda.*

6th January, 1843.—Ditto.

*Corisco.*

6th January, 1849.—Similar to Batanga Benito.

*Corro.*

9th January, 1843.—Same as Cantalicunda, having reference, however, to Corro.

*Dobaccoonda.*

21st January, 1843.—Ditto.

*Drewin.*

26th February, 1848.—Similar to Batanga Benito.

*Egarra.*

6th September, 1841.—Same as Cantalicunda, having reference to Egarra.

*Fouricaria.*

28th May, 1845.—Peace and Friendship.—Permission for ministers to reside at Fouricaria.—Lives and property of liberated Africans and British subjects to be inviolate.—Abolition of slave trade.—No law of the country to be put in force against British subjects, who are, however, not to violate such laws.—Freedom of trade and intercourse.—Liberty to retain and purchase houses and property, and non-molestation of same.—Punishment of those who wrong or ill-treat English subjects.—Vessels to be placed on same footing.—All disputes to be referred to Governor of Sierra Leone.—Non-intermeddling in wars with others.—Paths to be kept open through the Fouricaria country.—Appointment of agents to reside in Fouricaria country.—Recovery of debts, and non-molestation of property.—Observation of clauses in Treaty.—Payment to Chief of Fouricaria.—Proclamation of Treaty.

*Gaboon.*

10th November, 1840.—Non-molestation of English traders, etc.—

Reference of disputes to captain of vessels, and to the king.—Responsibility rests on the king for trust given without his sanction.—English factories to receive king's protection, and property deposited, and natives employed therein, to have like privilege.—On absence and decease of English traders, trust given out by him to be paid to successor.—On decease of trader, debts shall be paid out of his property.—Dash to be paid to king for permission of trade.—Ratification of Treaty.

*Gallinas.*

21st November, 1840.—Punishment for violation and abolition of slave trade.

*Gallinas.*

2nd February, 1850.—Similar to Batanga Benito.

*Gallinas.*

2nd February, 1850.—Alliance, abolition of slave trade.

*Garraway River.*

30th March, 1847.—Similar to Batanga Benito.

*Grand Bereby.*

25th February, 1848.—Ditto.

*Grand Lahou.*

28th February, 1848.—Ditto.

*Grand Sesters.*

28th March, 1847.—Ditto.

*Ivory Bay.*

2nd March, 1848.—Ditto.

*Jack Jacques.*

29th February, 1848.—Ditto.

*Kittam.*

3rd December, 1847.—Ditto.

*Little Booton.*

25th March, 1847.—Ditto.

*Malaghea.*

23rd May, 1845.—Same as Gaboon.

*Malimba.*

31st March, 1848.—Similar to Batanga Benito.

*Manna.*

1st January, 1847.—Ditto.—2nd February, 1850.

*New Cestos.*

11th January, 1841.—Abolition of slave trade.—Settlement for the purposes of trade.—Differences to be decided by arbitration.—Non-molestation of Englishmen.

*Nunez Rio.*

21st February, 1847.—Same as Batanga Benito.

*Nyanibantang.*

31st December, 1842.—Same as Cantalicunda.

*Otondo.*

4th April, 1848.—Same as Batanga Benito.

*Papel.*

1st April, 1842.—Non-molestation of British ships by natives.—Shipwrecked persons to be humanely treated, provided with provisions, and sent home.—Assistance to be given for assisting at shipwrecks, and saving cargo, etc., and part saved to be sent to nearest British station.—No ransom for persons shipwrecked.—All protection to be given to British vessels, and no duty to be demanded.—Means to be used to induce other tribes to bring all persons and property wrecked to nearest British settlement, and to claim no ransom, etc., on same.—Hostages to be sent for fulfilment of Treaty.—Expenses for sending shipwrecked people home and salvage, to be paid by British Government.—Payment for salvage to other tribes to be one-fourth of goods saved.—Hostages sent to be educated at British settlement.—Liberation of prisoners.

*Samo.*

20th May, 1845.—Same as Fouricaria.

*Sherboro.*

12th February, 1848.—Similar to Batanga Benito.—4th July, 1849.—7th July, 1849.—Ditto.

*Solyman.*

28th January, 1850.—Abolition of slave trade.

*St. Andrew.*

26th February, 1848.—As Batanga Benito.

*Sugury.*

18th February, 1848.—Ditto.

*Timmanees.*

13th February, 1841.—Peace and Friendship.—Abolition of slave trade.—Non-intermeddling to excite war.—Persons not to be taken as slaves, and no one to seize, keep, etc., slaves.—Seizure and destruction of vessels, buildings, etc., used for slave trade: may be sold and proceeds divided.—Freedom of English to trade and pass through the country.—Not to be forced to buy or sell any article.—May buy or sell or hire houses and land.—Punishment of people ill-using or wronging English.—English must not break laws of the country.—Property taken away and recovery of debts.—Queen of England may appoint an agent for protection of English in the country.—All disputes for debts, etc., between English, to be referred to agent.—Proclamation of Treaty.—Payment to chiefs entering into Treaty.—Duties.—Wars not to be entered into without notice to British authorities.—Human sacrifices to be abolished.

*Woolli.*

13th January, 1843.—Same as Cantalicunda.

*Algiers.*

10th April, 1682.—Peace and Friendship.—British vessels may safely trade with ports of Algiers, on payment of 10 per cent. duty on goods sold; and those goods unsold, which may be taken away, shall pay no duty.—Contraband merchandise, 41.—All British ships may pass freely without search, 28.—Persons and passengers to travel freely—Shipwreck, 30.—No ship of Algiers to go to any port at enmity with Great Britain.—Cruising, 36\*.—Sale of British vessels not to be allowed, 51.—Sale of prizes by British, 52.—Slaves escaping, 39.—After ratification of treaty, no subjects of Great Britain to be made slaves.—Redemption of British subjects in slavery before ratification of treaty.—Estate of deceased British subjects, 13.—British subjects not to be obliged to buy or sell against their will.—Non-payment of debts, 34.—Disputes, 53.—Punishment of British subjects for assault shall be same as for Turk, 436.—In case of escape of prisoners, British Consul not to be responsible.—Privileges of British Consul (*vide* under this head).—Passengers on board hostile ships not to be molested.—Salutes, 40.†—Fulfilment of Treaty.—Additional articles.—Passes, etc.

Renewed by Treaty, 5th April, 1686, and by that of 17th August, 1700, with additional articles.—Punishment of Algerian commanders

\* Tangiers, and not Gibraltar and Minorca.

† Twenty-one guns.



for cruising within British ports.—No Passes required for British ships—Indemnification of British subjects for insult.

Renewed by Treaty, 28th October, 1703.—Duty on goods sold by British subjects to be 5 per cent.—Non-molestation of prizes taken by British ships of war having no passes.

Renewed by Treaty, 29th October, 1716.—Annexation of Minorca and Gibraltar to Great Britain, 35 and 36.—Defence of Algerian subjects received on board British ships, 29.—Non-detention of British ships with Scollop passes.

Renewed by Treaty, 18th of March, 1729.—Additional articles, 3rd June, 1751.—Packet boats, 49.

Renewed by Treaty, 14th May, 1762.—Seizure of vessels at enmity with Great Britain found within gunshot of Algerian shore ; but not if belonging to a Mahommedan Prince.

Renewed by Treaty, 3rd August, 1765.—No Englishmen to be seized or made slaves.—British subjects embracing Ismailism to be released.

Renewed by Treaty, 3rd September, 1800 ; by 19th March, 1801, extended to Malta ; and by 3rd April, 1816, to Ionian islands, 24.—Punishment of men entering on board British ships in greater number than allowed by Treaty.—Additional Articles, 20th May, 1816, extension to Hanoverian subjects.

Renewed by Treaty, 28th August, 1816.—Declaration, 28th August, 1816, non-consignment of British prisoners to slavery.

#### *Austria.*

3rd October, 1813.—Peace and Friendship.—9th June, 1815, navigation of river Po and other rivers.—Nomination of Commissioners six months after termination of Congress.—Navigation of the rivers to be free.—Regulations of the police to be respected.—System of police and duties to be the same along the whole course of the rivers.—Duties on navigation to be uniform and settled.—Amount of duties not to exceed those now paid, and to be determined by local circumstances.—Tariff to be regulated so as to encourage commerce.—Duties now established on the Rhine, to be taken as an example.—Tariff once settled, no increase to be made thereon, unless by common consent.—Officers for collection of duties to be as few as possible.—Respective states bordering on the rivers, to be at the expense of repairing towing paths and necessary works.—No storehouse, port, or forced harbour duties.—Those in existence only to be employed so long as necessary for advantage of commerce.—Custom Houses and officers bordering on rivers, not to interfere with navigation.—Smuggling to be prevented.—Everything to be settled by general agreement, and not to be changed without mutual consent.—Particular regulations now in force relative

to the navigation of the Rhine, Neckar, Maine, Moselle, Meuse, and Scheldt, to be valid, and to be in force.—Abolition of slave trade.—Regulations of free navigation of rivers.

3rd July, 1838.—Peace and Friendship.—Reciprocity of trade and navigation, 2 and 3.—Extension to Austria of Act of 28th August, 1833.—Austrian vessels from the Danube as far as Galatz, to enjoy same privileges.—No preference in purchase of articles, 4.—Trade to British possessions to enjoy privileges of Treaty.—Coasting trade, 23. Subjects of each state to enjoy every reciprocal advantage within the ports of the other.—Duration of Treaty (25), till 3rd December, 1848.

*Baden and Bavaria.*

2nd March, 1841.—Same as with Prussia.

*Belgium.*

27th October, 1757.—Reciprocity, 2 and 3.—Exception to same.—Transatlantic goods shall pay same duties, whether laden in a Transatlantic warehousing port or in the Transatlantic country of production.—Re-payment of Scheldt dues guaranteed to British Government.—Reciprocity, 2 and 3, finished.—Articles from Great Britain crossing through Belgium, per rail, shall be exempt from all duty.—Coasting trade, 23.—Recognition of ships (same as Sardinia).—Privileges, 8.—Discharging (same as Sardinia).—Shipwrecks, 18.—Consuls (*vide* same).—Privileges, 5.—Duration, 25 (seven years).—Ratifications, 26 (before 1st January, 1852).—Ionian Islands, 24.

*Bolivia.*

29th September, 1840.—Amity and Commerce.—Privileges, 19 ; and reciprocity, 2.—Liberty of ships of war and packet-ships to refit, 12.—Reciprocity of trade, 3.—Recognition of vessels, 11.—Subjects, privileges on their own affairs, etc., 5, 6, and 7.—Estate of deceased subjects, 13.—Exemptions, 8a.—Appointment of Consuls (*vide* same).—Rupture, 10.—Religious toleration, 14.—Abolition and suppression of slave trade.—Alteration of articles, 21.—Ratification (twenty months).

*Additional articles.*—Ships, *bond fide* property of Bolivian subjects, until the space of fifteen years, to be considered same as those built in Bolivia, and enjoy all privileges of this Treaty.

*Borneo.*

27th May, 1847.—Peace and Friendship.—Mutual privileges, 19.—Duty to be levied on British vessels, to be 1 dollar per registered ton, but shall be exempt from internal duties.—No duty to be levied on British produce or manufacture.—Vessels of war allowed to enter Borneo, etc., 12.—Wrecks, 18.—Suppression of piracy, 55.—Cession

of Labuan, Kuraman, Little Rusakan, Great Rusakan, Da-at and Malankasan, and all islets, etc., situated half-way between the fore-mentioned islets and main-land of Borneo.—Non-cession of land to any other country to be made.—Abolition of slave trade.—Persons engaged therein to be delivered to British authorities for punishment.

*Additional articles.*—Disputes, 53.\*

*Brazil.*

17th August, 1827.—Appointment of consuls, etc., (*vide* same).—Religious toleration, 14.—Privileges, 7 and 8.—Arbitrary visits, 54.—Abolishment of office of judge conservator, and British subjects to be placed on same footing as Brazilian subjects, both in civil and criminal causes.—They shall not be liable to imprisonment without formal commitment, and their persons shall be free from restraint where case admits of bail.—Rupture between countries not to take place until departure of diplomatic agents, 9 and 10.

Deserters 15 and 16.—Salutes, 40.—Reciprocity of commerce and navigation, 2 and 3.—Privileges, 19 and 5.—Coasting trade, 23.—Reciprocity, 2.—Recognition of ships, 11.—Liberty of trade in each others territories, with exception of Brazilian monopolies.—Contraband of war, 17.—Packets shall be employed to facilitate the public service, and they shall be considered as vessels of war; this to remain in force until a special portal convention is concluded.—Pirates, 55.—Shipwrecks, 18.—British goods shall be admitted to home consumption on payment of 15 per cent. *ad valorem* duty.—Valuation, 22.—No other goods of any nation, except those of Portugal, to be admitted at *ad valorem* duty.—Reciprocity, 3.—Goods imported into Brazil to be accompanied by original cockets and proof of origin of goods, which shall, where there is no Custom House, be authenticated by formalities observed when imported from such possessions into Great Britain.—Permission to Brazilian subjects to trade with British Asiatic ports.—Reciprocity, 3.—Non-obstruction of British trade by any monopoly, except those now subsisting of Brazilian Government.—Concession to British subjects to become *Assignates* of the Custom House on same privileges as Brazilian subjects.—Duration of Treaty, 25 (fifteen years).—Ratification, 26 (four months).

*Bremen.*

29th September, 1855.—Reciprocity, 2 and 3.—No preference in trade, 4.—Recognition of vessels, 11.—Vessels coming from either Hanseatic port, to be deemed coming from the port to which they belong.—No higher than national duties to be levied on personal property of

\* Wholly under jurisdiction of British Consul.

subjects of either state in territories of the other.—On removal of same, 20.—Additional stipulations, 21.—Duration of Treaty, 25.—Ratification, 26.

3rd August, 1841.—Reciprocity, 2.—Recognition of ships, 11.—Reciprocity, 3.—Present Convention supplementary to that of 29th September, 1825.

*Buenos Ayres.*

2nd February, 1825.—Peace and Friendship.—Reciprocity, 2 and 3.—Recognition of ships, 11.—Privileges, 5 and 8a.—Appointment of Consuls (*vide* same).—Rupture, 9.—Religious toleration, 14.—Property, 7.\*—Estate of deceased subjects, 13.—Abolition of slave trade.—Ratification of Treaty, 26 (four months.).

24th November, 1849.—Restoration of peace.—Renewal of above Treaty.—Evacuation of Island of Martin Garcia.—Return of Argentine ships of war.—Salute of Argentine flag, 21 guns, 40.—Merchant vessels taken, to be restored to respective owners.—Return of auxiliary division.—Acknowledgment of inland navigation of river Parana.—Agreement of President of Republic of Uruguay to present Treaty.—Restoration of friendship.—Ratification of Treaty, 26.

*Chili.*

10th November, 1852.—Reciprocity, 2 and 3.—Duration, 25.—No specified time, twelve months notice to be given by party who wishes it to cease.—Ratification, 26 (six months).

*Costa Rica.*

27th November, 1849.—Amity, Peace, and Friendship.—Privileges 19.—Ships of war, 12.†—Coasting trade, 23.—Reciprocity, 2 and 3.—Extended to pilot dues.—Exemptions and privileges, 5, 6, 7, and 8.—Estate of deceased subjects, 13.—Exemptions, 8a.—Consuls (*vide* same).—Rupture, 10 and 9.—Religious toleration, 14.—Abolition of slave trade.—After seven years either Power may alter Articles.

*Denmark.*

13th February, 1661.—Peace and Friendship.—Either state, knowing anything to the prejudice of the other, bound to reveal it.—No warlike stores to be supplied to enemies of either state, and shall not harbour enemies of one another.—Vessels, unless in great danger, not to come into forbidden ports of Denmark.—Shipwrecks, 18.—Injury, 46.—Former Treaties not to be annulled by this.—Reciprocity, 2 and 3.‡—Privileges, 12.—Administration of law, 6a.—Ships sailing by Gluckstadt to be free from toll.—Timber on board British ships not to be visited.—

\* Down to the word "whatsoever." † Down to the word "respectively."

‡ Instead of same as "national," read same as "Netherland."

Pirates, 55.—Privileges, 19.—No ship to be adjudged prize unless by judicial procedure.—British vessels passing through the Sound shall enjoy privileges of paying duties on return.—British ships shall receive their dispatch without delay.—Privileges, 57.—Faithful observance of Treaty.

11th July, 1670.—Renewal of Peace and Friendship.—Non-supply to enemies of either nation.—Reciprocity, 2 and 3.\*—Timber once put on board, not to be detained.—Danish subjects shipping oaken timber to be responsible.—British to enjoy same privileges regarding Sound dues as they did in former Treaties.—British subjects may land goods at Elsinore for re-exportation, on footing of most favoured nation.—British ships shall receive their dispatch at Elsinore immediately, and no ships of whatever nation shall have preference over them in this respect.—Estate of deceased subjects, 13.—Shall be lawful for subjects of each nation to trade with enemies of the other, except in contraband of war.—Privileges, 19.—Duties shall be paid according to tariff.—Power to overseers to remeasure ships.—Passports, etc. to be given to British ships to prevent fraud.—No molestation shall be given to British ships having such passport.—British ships passing with merchandise by Gluckstadt or other places in Denmark, not to be subject to search, customs, etc., except in time of war with any other state.—Injury, 46.—No ship of either nation to be adjudged prize, unless by loyal decision in Admiralty Court.—Administration of justice, 6.—Shipwrecks, 18.—No officers of any ship to be detained unless by special warrant granted for preservation of kingdom.—Subjects of either nation may carry arms without molestation.—Convoys of each nation bound to defend each others vessels, if proceeding on same tract.—Pirates, 55.—Ships in distress allowed to refit, 12.—Vessels of war not to enter ports without timely notice shall be given.—Shall not be lawful to obtain letters of reprisals from each others enemies, and both nations shall prohibit their subjects from doing so.—Ships taken by a third party in ports of either state, means that be taken to obtain release and restoration thereof.—Seamen of either nation taken on board any ship, shall be immediately released.—Ships taken with prohibited goods, or contraband, shall not be broken up until inventory thereof shall be taken by Admiralty Judge.—Ships of war shall not molest subjects of either nation, and officers of either nation, who do so offend, shall be responsible for all damages.—Judgment on things taken at sea to be given according to rules of justice and equity, and minister of either state making complaint of any such sentence, the same shall be reheard and examined by His Majesty's Council; and it shall not be lawful to sell such goods, until the final sentence of the appeal, unless by mutual consent.—Consuls (*vile* same).—Injury, 46.—

\* As in Treaty, February, 1661.

**Privileges, 57.—Former Treaties not to be annulled.—Non-transgression of articles of this Treaty.**

4th July, 1780.—Non-furnishing of contraband of war or supplies to enemy.

14th January, 1814.—Restoration of peace.—Re-establishment of Treaties.—Cession of Heligoland.—Abolition of slave trade.—Restoration of confiscated property.—Privileges of depôt of Heligoland.

16th June, 1824.—Extension of former Treaties.—Full reciprocity, 2 and 3.

#### *Dominica.*

6th March, 1850.—Peace and Friendship.—Privileges, 19.—Reciprocity, 2.—Protection of traders.—Coasting trade, 23.—Completion of reciprocity, 2 and 3.—Shipwreck, 18.—Privileges, 57.—Consuls (*vide same*).—Religious toleration, 14.—Abolishment of slavery.—Duration of Treaty, 25.—Ratification, 26 (eight months).

#### *Equator.*

18th April, 1825.—Peace and Friendship, 1.—Reciprocity, 2 and 3.—Privileges, 19.—Completion of reciprocity, 3.—Recognition of ships, 11.—Privileges, 5, 7, and 8.—Consuls (*vide same*).—Rupture, 9.—Religious toleration, 14.—Abolishment of slave trade.—Addition of articles, 21.—Ratification of Treaty 26 (six months).

May 3rd, 1851.—Similar Treaty.

#### *France.*

26th January, 1826.—Reciprocity, 2 and 3.—Fishing boats of either nation driven into each others ports by stress of weather, not subject to any dues whatsoever, provided they do not discharge, etc.—Privileges of Treaty to be extended to each others possessions (as also in additional article).—Duration of Treaty, 25.—Ratification, 26.

#### *Frankfort.*

13th May, 1832.—Reciprocity, 2.—Privileges, 19.—Reciprocity, 3.—Recognition of ships, 11.—Removal of property, 20.—Additional articles, 21.—No articles of Treaty to be binding, if anything therein inconsistent with obligations of the city of Frankfort, as a member of the German Confederation.—Duration of Treaty, 25.—Ratification, 26 (two months).

29th December, 1835.—Articles 1, 2, 3, 4, and 5 of above Treaty to be null.

2nd March, 1841.—Same as Prussia.

#### *Greece.*

6th July, 1827.—Establishment of commercial relations.—Appointment of Consuls (*vide same*).

4th October, 1837.—Extension and regulations of commercial intercourse.—Reciprocity, 2 and 3.—Recognition of ships, 11.—Shipwrecks, 18.—Consuls (*vide* same).—Extension of reciprocity, 2 and 3, to British possessions.—Privileges, 5, 6, and 8.—Religious toleration, 14.—Estate of deceased subjects, 13.—Application of Treaty to Gibraltar and Malta, 35.—Duration of Treaty, 25.—Ratifications 26 (three months).

*Guatemala.*

20th February, 1849.—Same as that of Costa Rica of 27th November, 1849.

*Hamburg.*

Same as Bremen.

*Hanover.*

22nd July, 1844.—Reciprocity, 2 and 3.—Vessels from mouths of the Elbe, Meuse, Ems, and Weser, shall enjoy same privileges.—Regulation of tariff and Elbe dues.—Privileges, 57.—Duration of Treaty till 1854, 25.—Ratification, 26 (two months).

*Hesse Cassel. Hesse Darmstadt.*

Same as Prussia.—2nd March, 1841.

*Japan.*

Custom House, London, 6th June, 1855.—A Treaty having recently been concluded between Her Majesty and the Emperor of Japan, whereby the latter agrees to open the Japanese ports of Nagasaki and Hakodadi to British shipping for the purposes of effecting repairs and obtaining fresh water, provisions, and other supplies of any sort that they may absolutely require, provided that they are furnished with a given stamp or licence, and it having been arranged that the certificate of registry of the ship bearing the Royal Arms shall bear or constitute such stamp or licence, Notice is hereby given to ship owners, that all certificates of registry issued under the Merchant Shipping Act, 1854, will bear such stamp and constitute such licence; and that, for the purpose of meeting the case of ships registered prior to the operation of that Act, a renewed certificate of registry will, on application to any registrar of shipping, be given in exchange for the existing certificate of registry, and will bear the same stamp in order that it may be recognised by the Japanese authorities. By Order of the Commissioners, W. Maclean, Secretary.

*Liberia.*

21st November, 1848.—Peace and Friendship.—Privileges, 19.—Reciprocity, 2 and 3.—Privileges of trade, except in Government monop-

lies.—Shipwrecks, 18.—Privileges, 57.—Appointment of Consuls (*vide* same).—Abolishment of slave trade.—Ratification (twelve months).

*Lubeck.*

Same as Bremen.

*Mexico.*

Same as Bolivia, 29th September, 1840.

*Morocco.*

23rd January, 1721.—Reciprocity and privileges, 27, 28, and 41.—Prizes, 52.—English vessels coming upon the coast of Morocco, either by stress of weather or flying from the enemy, shall be protected and shall be under protection of the English Consul.—English subjects shall be well treated, and allowed to bury their dead, and places shall be allowed for the same.—English may safely travel by sea or land, and those desirous of returning home may do so with their families.—Estate of deceased subjects, 13.—Debts, 34.—Appointment of Consuls (*vide* same).—Non-compulsion of English traders to buy or sell; and they shall not be compelled to carry goods in their ships for any one.—No sailor shall be taken away from British ships.—Quarrels and disputes, 53.—Rupture, 10.—Subjects of Morocco shall not pay higher prices for British goods than native subjects.—No Spaniards sailing under British flag shall be taken.—Privateers, 56.—Vessels taken within six months after proclamation of peace shall be restored.

10th July, 1729.—Moors and Jews, subjects of Morocco, shall be allowed to trade for thirty days in Gibraltar and Minorca; but not to reside therein.—Disputes, 53.—British and Hanoverian subjects taken on board any vessels, to be immediately released and sent to Gibraltar.—British fleet and city of Gibraltar may victual from ports in Morocco at market prices, and without payment of customs.—Continuation of former Treaties.

15th December, 1734.—English within six months from conclusion of Treaty taken on board all foreign vessels, shall be set at liberty.—Subjects of each Power made slaves to be at once released.—All contracts made shall be in writing.—Any plea of non-ignorance of this Treaty shall be void.

15th January, 1750.—Peace and Friendship.—Reciprocity, 27 and 28.—Disputes, 53.—Arbitrary visits, etc., 54.—Morocco subjects hiring English vessels, and same being obliged by stress of weather to put into any port of Morocco, same shall not pay any dues.—English shall be exempt from poll-tax.—Confirmation of Treaty of 15th January, 1750.

1st February, 1751.—Renewal of former Treaties.—Reciprocity, 27.—Extended to Hanover.—Disputes, 53.—Continuation of articles of



Treaty, 15th January, 1710, 28th July, 1760.—Embodiment of all the above stipulations in one Treaty, with very slight alterations.

24th May, 1783.—Establishment of peace, etc., on basis of former Treaties.—Grant of house at Tangiers to British Consul.—Erection of a house for English Agent.—English may load provisions for one year from ports of Morocco without duty, and after that time shall pay for every ox a duty of 4 cobbs; a sheep 7 ounces; one dozen fowls 6 ounces; and other articles according to former duties.—Masters of vessels coming from Gibraltar, shall bring a passport stating tonnage of the vessel.

8th April, 1791.—Consuls (*vide* same).—Privileges, 19.—Religious toleration, 14.—Privileges, 50 and 5.—Debts, 34.—Disputes, 53.—Punishment, 43.—Slaves, 39.—No English shall be allowed to turn Mussulman, unless he appear three times in three days with Consul before the Governor and declare his intention of doing so.—Papers of subjects under British protection who may turn Moors shall be delivered to the Consul.—Removal, 20.—Estate of deceased subjects, 13.—Ionian subjects shall be considered as English.—Privileges, 57. Reciprocity, 2.—Irregularities, vessels of war meeting one another, remedied.—Non-cruising, 36.—Subjects taken on board vessels to be set free.—Passengers on board enemies' ships shall pass unmolested.—Vessels of either Power, having engagement with an enemy within gun-shot of the shore of the other, former shall be protected; as also vessels under protection of guns of either nation.—Shall not be lawful for the enemies of one Power to come into ports of the other, nor to refit, sell prizes, or purchase stores therein.—British vessels of war may provision at market prices in ports of Morocco.—Packets, 49.—Reciprocity, 27.—No duty payable by British ships engaged by subjects of Morocco, obliged to put into ports of the latter.—Cleansing, etc., 37. Shipwrecks, 18.—Religious toleration, 14.—English may trade in provisions from ports of Morocco.—Warlike stores, 41.—All Treaties are hereby confirmed.—Injury, 46.—Rupture, 10.—Ignorance of this Treaty shall be no plea.

14th June, 1801.—Recapitulation and confirmation (with very slight alterations) of former Treaties.

#### *Muscat.*

31st May, 1839.—Privileges, 19.—Arbitrary visits, 54.—Consuls (*vide* same).—Muscat natives in service of English to enjoy same protection as is granted to English, except committing any crime against their country, when they are to be discharged and delivered up for punishment.—Disputes, 53.—Estate of deceased subjects, 13.—British subjects becoming bankrupt, Consul shall take care of and distribute his estate.—Debts, 58.—Duty chargeable on British goods brought

into Muscat by British ships sold, shall not exceed 5 per cent., which shall include all tonnage dues, etc. ; no duty on those unsold remaining on board.—Refitting, etc., 37.—Reciprocity, 3.—No monopoly to interfere with British trade, except Government monopoly in coast of Africa.—In case of dispute as to value of the goods for the 5 per cent. duty, Sultan may demand one-twentieth part of them in lieu thereof.—Shall not be lawful for English to expose their goods for sale until three days after arrival, unless above duty is paid.—If either country shall be at war with another, they shall be at liberty to pass through the states of the other, but not with warlike stores, nor through any blockaded port.—Privileges, 37.—Shipwrecks, 18.—Suppression of slave trade.—Nothing herein shall rescind privileges enjoyed by subjects of Muscat in respect to commerce and navigation within the East India Company's territories.—Ratification of Treaty, 26 (fifteen months).—Declaration.

*Netherlands.*

17th March, 1824.—Reciprocity of trade with each other's possessions.—Cession and limitation of territories.

27th October, 1837.—Reciprocity, 2 and 3.—Recognition of vessels 11.—Duty, *ad valorem*, 22.—Privileges, 59.—Shipwrecks, 18.—Duration of Treaty, 25.

*New Grenada.*

18th April, 1825.—Same as *Equator*, 18th April, 1825.

*Oldenburg.*

4th April, 1844.—Reciprocity, 2 and 3.—Same valid on goods, etc., from ports of the Elbe, Ems, Weser, and Meuse, and continue so long as British and Oldenburg ships can enjoy like privileges to those ports.—Duration of Treaty, until 1st January, 1848 ; and further for six years, with six months' notice, and twelve, after which it shall cease.—Ratification, 26 (two months).

*Paraguay.*

4th March, 1853.—Object, 1.—Reciprocity, 2 and 3.—Recognition of vessels (same as Sardinia).—Privileges, 5.—No monopoly, 4.—Privileges, 8, 7.—Estate of deceased subjects, 13.—Privileges, 8a.—Consuls (*vide* same).—Rupture, 9 and 10.—Privileges, 6.—Religious toleration, 14.—Abolition of slave trade.—Duration, 25 (six years).—Ratification, 26 (eight months).

*Persia.*

2nd July, 1763.—Grant of ground for establishment of an English factory.—No customs to be charged on goods imported or exported by the English to or from Bushire.—May send their goods all over

Persia duty free ; and shall pay on those they sell, 3 per cent. duty.—None but the English shall import any woollen goods.—Debts, 58.—English may buy and sell to whom they please.—No Persian shall buy from English ship clandestinely, but shall obtain the consent of English resident.—Shipwrecks, 18.—Religious toleration, 14.—Desertion, 16.—Servants, etc., of English factory exempt from all taxes, and under control of the same.—English shall have a spot of ground to bury their dead in, and a spot for a garden.—Restoration of house belonging to English company at Skyrash.

January, 1801.—Firman of the king, commanding observance of this Treaty.—Privileges, 19.—English may settle in sea-ports of Persia, and no taxes shall be levied upon them.—The utmost exertions shall be used to punish delinquents, who may injure the persons or property of the merchants.—Debts, 58.—Persons dying in Persia indebted to the British Government, such demands shall be satisfied prior to that of any creditor.—Servants of the English Government may hire as many domestic natives as they please, and may punish them as they think fit ; so that it does not extend to life or limb.—Privileges, 19.—Refitting, etc., 37.—Shipwreck, 18.—Transport, 31 and 20.—On iron, lead, steel, broad-cloth, and purpetts belonging to the English Government, no duty shall be taken from the sellers, but 1 per cent. from the purchasers.—Other duties, as before established, remain in force.

28th October, 1841.—Delay in completing commercial stipulations, mentioned in Treaties, 12th March, 1809, and 25th November, 1841.—Reciprocity, 2 and 3.—Establishment of two commercial agents (*vide* Consuls).—Ratification of Treaty.

*Peru.*

5th June, 1837.—Same as that of Bolivia, 29th September, 1840.

10th April, 1850.—Similar to ditto.

*Portugal.*

29th January, 1642.—Reciprocity, 19, and enjoyment of same privileges as national subjects.—Debts due from Portugese subjects seized by the Inquisition shall be paid by the latter.—No sailor shall commence any action, or give any trouble against English ships, for wages or salaries, on pretence of their being Roman Catholics, or having put themselves into the Portugese service.—Consuls (*vide* same).—Estate of deceased subjects, 13.—King of Portugal shall not withhold any ship or sailor of England for any service ; but they shall freely come and go, and no goods or merchandise belonging to British subjects shall be taken, except at a just price, to be paid for within two months.—That British subjects may transport anything whatsoever, even arms,

etc., from any port in Portugal to ports of King of Castile, without hindrance.—That subjects of each Power shall have like privileges, if war happens, with any other State.—Like articles may be imported into Portugal, and sold at pleasure.—Convention of 20th January, 1635, N. S., to be kept up.—Commerce may be carried on with coast of Africa, St. Thomas, etc.—Appointment of commissioners for settlement of claims to Hollanders.—Grant of 21st January, 1841, to be extended to English.—British subjects shall enjoy same privileges from arrest, imprisonment, etc., as are granted to any other foreign country in league with Portugal.—Ambassadors to be appointed and sent to settle freighting of British merchant ships by the Portuguese.—Religious toleration, 14.—In case of rupture, a monition shall be given to subjects to depart, and two years shall be allowed them to transport their goods and merchandise, which they shall do without any impediment.—Injury, 46.—Observance of foregoing stipulations and ratification of Treaty, 25.

10th July, 1654.—Like articles.—Non-payment of any other dues by British ships than those usually paid to the King or Chamber at Lisbon.—No tribute to be paid from the English.—Non-compulsion to perform any duties, etc.—Privileges, 19.—Goods of either State found on board enemies' ships shall be confiscated; but enemies' goods found on board the ships of either Power shall remain untouched.—Ratification of Treaty, 26 (six months).—*Secret Articles*.—Duties that are to be paid shall not exceed 23 per cent., and goods shall be favourably valued.—Portuguese shall pay duties as now valued, in May, 1654.—Observance on both sides of the customs of the place.—Treaty to be ratified by letters patent of both parties within six months.

23rd June, 1661.—Confirmation of all former Treaties.—Cession of port and island of Bombian.—Subjects of Great Britain shall enjoy same privileges of trade to Goa, Cochim, and Dio, as the Portuguese, providing that there be not more than four British families in each place.—Liberty of trade to Bahia, etc.

16th May, 1703.—Confirmation of former Treaties.—Reciprocity of privileges to subjects.—Transgressions of Treaty about Bombay.—Portuguese ships shall not pay anything for casting anchor in Port Malacca.—Pirates, 55.—In time of peace six British ships of war shall be admitted into ports of Portugal.

27th December, 1703.—Admission of woollen cloths and manufactures of Great Britain on former footing, provided that Portuguese wine is admitted into England on same footing as French wine.—Ratification, 26 (two months).

19th February, 1810.—Peace and friendship.—Reciprocity, 2 and 3.—Privileges, 19 and 57.—Table of duties to be compiled.—Recognition of

ships, 11.—No regulations to be made prejudicial to British trade in Asia.—Privileges, 19, 6, 7, 8a, and 54.—Treason, contraband, etc., to be punished by law of land.—Non-restriction of trade, except Government monopolies.—Establishment of Consuls (*vide* same).—Appointment of judge conservators for trial of British subjects.—Portuguese shall enjoy full protection of laws of England.—Privileges granted to ambassadors or accredited agents in the one state, shall be enjoyed by them in the other.—Religious toleration, 14.—Chapels shall be built, but must resemble houses, and be without bells.—Protestants shall not preach against Romanism, or make converts; and doing so shall be punished according to the civil law, by confinement in their dwelling-houses or being sent out of Portugal.—Burial places shall be assigned to British in Portugal.—Establishment of packets.—Persons guilty of high treason, etc., shall not be harboured in the states of the other.—Deserters, 15 and 16.—British goods shall pay 15 per cent. duty, and table of valuations shall be compiled.—Fraudulent prices invoiced for goods, the same liable to be taken by Portuguese Government at that price.—Portuguese Government may buy at price fixed by proprietors all importations of warlike stores.—Privileges to British subjects to be *assignates* of the Custom House.—Portuguese goods shall be admitted into England at same duties as those of the most favoured nation.—On any reductions taking place, like reductions shall be made in Portuguese tariff.—Brazilian produce allowed to be warehoused in Great Britain for exportation.—East Indian goods shall be admitted to like privileges in Portuguese port of St. Katherine.—Goa to be a free port.—Trade to Portuguese possessions in Eastern seas extended to English.—British Government waives the right of establishing factories in Portuguese possessions; but nevertheless British subjects shall enjoy same privileges.—Stipulations relating to woollen cloth and wines to remain at present unaltered.—Former Treaties confirmed, with the exception of allowance to carry enemies' property in each other's ships.—Reciprocity of commerce to be extended to everything except contraband of war, 17.—Shipwrecks, 18.—Pirates, 55.—Ruptures, 9 and 10.—Treaty to be unlimited in duration, but to be revised in fifteen years; a few amendments may be made, and stipulations then objected to by either state suspended.—Ratification, 26 (four months).

*Declaration.*—Recognition of ships, 11.

18th December, 1812.—*Agreement.*—Certificates of registry of British ships properly signed shall be deemed sufficient proof of British ship.

British goods for importation into Portuguese dominions shall be accompanied by the original cockets, signed and sealed by the officers of Customs, and legalised by the Portuguese Consul, together with the manifest in like order.—Portuguese ships shall only pay same dues for

scavage, etc., as British vessels; and to effect this, the extra amount paid by them shall be returned by the British Government, in order that the charter of the Trinity House may not be infringed.—*Ad valorem* duty, 22.

22nd July, 1835.—Above Treaty suspended.

5th August, 1835.—No light or harbour dues shall be payable on ships driven by stress of weather into Portuguese ports in ballast.

3rd July, 1842.—Extension of commercial intercourse.—Privileges, 19, 8, 54.—Assessment of amount to be paid by British subjects in Portugal for *decima industrial*, shall be according to the rate given by the *informadores*.—In case of objection to the amount of assessment appeal may be made to the Treasury.—Religious toleration, 14.—Estate of deceased subjects, 13.—All privileges regarding possessions, or inheritance of funded or landed property which may be granted to any other Power, may be extended to Contracting States.—Privileges, 5.—Subjects shall be at liberty to open retail shops under same regulations as native subjects.—Reciprocity, 2 and 3.—Existing tariff shall be taken into consideration with a view to its reduction.—Privileges of trade shall be extended to each other's possessions.—Coasting trade, 23; but vessels shall be allowed to discharge part of their cargo at one port, and proceed to another without paying higher duties.—Freedom in trade shall not be extended to contraband of war.—Power granted by former Treaties to carry enemies' goods hereby rescinded.—*Ad valorem* duties, 22.—Warehousing, 59.—Goods shipwrecked shall be admitted to home consumption on payment of duty.—Shipwrecks, 18.—Duties saved, not subject to any duty, except for home consumption.—Refitting, 37.—Trade not to be interfered with by any but Governmental monopoly.—Deserters, 15 and 16.—British Conservatorial Courts shall be abolished as long as British subjects in Portugal are admitted to the securities similar or equivalent to those enjoyed by Portuguese subjects in Great Britain, as trial by jury, protection from arrest without warrant from a magistrate, and examination within twenty-four hours after apprehension in *flagrante delicto*, and admission to bail.—In other respects they shall be under the same law as Portuguese subjects.—In case of alteration in Portuguese Government, Great Britain reserves to herself the right of claiming restoration of Conservatorial Courts.—Duration of Treaty, 25.—Ratification, 26 (two months).

3rd July, 1842.—*Explanatory Notes*.—Recognition of ships, 11.—Growth, produce, and manufacture, shall include wines and brandies of Portugal.—Jurisdiction of Cinque Ports not to interfere with article 14.—Portugal may abolish Conservatorial Courts, on granting above privileges.—Colonies referred to in Treaty.

3rd July, 1842.—*Declaration*.—Maximum of *Industrial tax* impos

on British subjects, shall be 20 per cent. on the rent of their warehouses, houses, and shops.

*Prussia.*

2nd April, 1824.—Reciprocity, 2 and 3.—Privileges, 4.—Duration of Treaty, 25.—Ratification, 26.

2nd March, 1841.—Reciprocity, 2 and 3.—Extended to German Customs Union.—Trade in rice and sugar by British, to be on footing of most favoured nation.—Other states joining in Customs Union to be admitted to privileges of this Treaty.—Duration of Treaty (till 1st January, 1842,) 25.—Ratifications, 26 (2 months).

10th May, 1847.—Declaration of cessation of Treaty on the 1st January, 1848, which, however, shall remain provisionally in force.

*Reuss-Greitz, Reuss-Schleitz, and Reuss-Lobenstein and Ebersdorf.*

2nd March, 1841.—Same as Treaty this date with Prussia.

*Rome.*

28th February, 1833.—Notification.—English vessels freighted with native produce shall be treated as Papal vessels in Pontifical states.

26th June, 1833.—Dues which have been paid in ignorance of the above Treaty, to be returned.

*Russia.*

11th January, 1843.—Reciprocity, 2 and 3 ; also extended to Russian ships coming from the Vistula and Niemen.—No preference, 4.—Trade with British possessions to be placed on footing of most favoured nation.—Coasting trade, 23.—Privileges, 57.—Convention of 16th and 28th February, 1825, to continue in force.—Vessels in distress, 37. Shipwrecks, 18.—Interposition of Consuls.—Deserters, 16.—Duration of Treaty, 25. — Ratifications, 26 (1 month). — Commercial intercourse subsisting between Russia and Sweden not to apply to this Treaty, as also the following.—Exemption from navigation dues enjoyed by Russian ships during the first three years.—Exemptions granted in Russian ports in the Black Sea, Sea of Azoff and Danube to Turkish ships.—Permission granted to inhabitants of Archangel to import duty free fried or salted fish.—Privileges of Russian American Company.—Steam Navigation Companies of Lubeck, Havre, and English yacht clubs.—These articles shall have same force and validity as if inserted in Treaty.



*Sandwich Islands.*

31st July, 1843, and 12th February, 1844, both annulled by following Treaty.

26th March, 1846.—Peace and amity, 1.—Privileges, 57.—British subjects shall be tried by jury of native and foreign residents; proposed by British Consul, and accepted by Hawaiian Government.—Protection of King of Sandwich Islands shall be extended to all British ships, their officers and crew.—Shipwrecks, 18.—Deserters, 16.—Duties on British goods, with the exception of wines, brandies, and other spirituous liquors, shall be 5 per cent.—These shall be subject to any duty short of prohibition the Hawaiian Government may think fit.—Privileges as to tonnage dues, 57.—Treatment of subjects of Sandwich Islands in Great Britain, 57.

*Sardinia.*

8th April, 1851.—Reciprocity, 2 and 3, and no preference, 4.—Recognition of vessels shall be those legally so in respective countries.—Privileges, 8.—Vessels of each nation shall be at liberty to discharge part cargo at one port, and part at another.—Coasting trade, 23.—Shipwrecks, 18.—Privileges, 57.—Extension to England of reduction of duties granted to Belgium, on the 24th January, 1851.—Consuls (*vide* same).—Privileges, 7, 5.—Present Treaty substituted for those of 10th September, 1841, and 23rd January, 1851.—Duration of Treaty twelve years, 25.—Ratifications, 26 (one month).

*Saxe-Weimar, Eisenbach, Saxe-Meiningen, Saxe-Altenburg, Saxe-Coburg Gotha, Saxony, Schwartzburg - Rudolstadt, Schwartzburg - Sondershausen.*

2nd March, 1841.—Same as Treaty this date with Prussia.

*Senna.*

15th January, 1821.—British Resident shall have a guard of thirty men to support his respectability, and shall be exempt from all compliances degrading to his character.—Shall have full liberty to do as he pleases, and have free ingress and egress at all the gates of Mocha.—Shall have like freedom as is enjoyed at Bushire, Bussora, Bagdad, and Muscat.—A piece of ground shall be allotted for a cemetery; and no person under the British flag or Government shall be insulted on account of his religion.—The Resident shall have full power to proceed to Senna, and communicate with the Imaun; the Dola on such occasions furnishing a guard of escort.—Merchant vessels shall be placed on same footing as vessels of war as regards anchorage.—British



subjects trading to Mocha shall do so, only under the British flag. If they should be of the Islam faith and wish to settle their disputes according to the Mahommedan Sharah, they can do so on a person from the Resident attending.—Disputes, 53.—All dependents of British Factory shall be wholly under control of Resident.—Export duty on British trade shall be 2½ per cent., and import duty same as to native subjects.

*Sicilies.*

26th September, 1816.—Annulled by Treaty of 29th April, 1845, as follows: Annulment of former Treaties, and privileges granted therein not to be extended to any other nation.—Privileges, 19, 8a, 54, 57, and 5.—System of search by Custom House shall be same as to native subjects.—Reciprocity, 2 and 3.—Shipwrecks, 18.—Great Britain cedes privilege of 10 per cent. reduction on some duties, and in lieu thereof receives privileges of 10 per cent. reduction on Customs tariff.—Ionian islands, 24.

*Spain.*

28th November, 9th December, 1713.—Confirmation of Treaty of May, 1667.—Fulfilment of Treaty.—Duties not to be paid, 57.—Appointment of commission to compile new book of duties.—Non-augmentation of duties in ports of St. Mary's and Cadiz.—Tariff not to be compiled after old indexes.—Goods on which duties have been paid at Cadiz or St. Mary's shall be free to be transported to be sold wholesale throughout all Spain, on production of certificate of duty having been paid.—Duties called *Habilitations* to be taken off.—Non-augmentation of duties at Guipuscoa and Biscaya; but goods imported therein in going into kingdoms of Castile and Arragon, shall pay same duties on entrance as were paid in the time of Charles II.—British subjects in Biscaya and Guipuscoa may hire houses and warehouses with same privileges as specified in Treaty of 1667.—Payments of rights called "*de Alcavalos* and *Cientos*," shall be paid either on importation of goods or on sale.—Freedom to carry goods on which such dues shall have been paid through Spain, on production of certificate of payment from Custom House.—Officer obstructing this, liable to a fine of 2,000 ducats.—Rupture, 10.—Indemnifications of losses incurred by subjects at beginning of the late war.—Duties shall not be levied on fish and provisions called *Millon* at the place where they first arrive, but at the place of consumption.—Merchandise not enumerated in book of rates, to be charged according to article 3 of the Treaty.—*Ad valorem* duty, 22.—Goods brought from the coast of Africa by British subjects shall only be liable to pay duty once.—On arrival of any captain at Spanish ports, they shall deliver within twenty-four hours to the Farmer or Commissary of the Customs a declaration of their cargo, and another

to the Judge of contraband ; and the hatches shall not be opened unless in presence of searchers appointed thereon.—All goods, immediately after unladen, shall be at once taken to the Custom House.—Not lawful for any officer of Customs or Judge of contraband to open any package on the way to the Custom House, and packages on being once sealed with their official seal, shall not be opened again, but may be carried from one house to another between 8 A.M. and 5 P.M., on notice being given to Farmers of *de Alcaralos* and *Cientos*; and in case the goods are so removed to be sold, these dues must be paid.—Shall be lawful to carry wares from any place in Spain to any other port therein, either by sea or land, on above conditions.—Duties on goods brought from the Canary Islands shall not be greater than those in the reign of Charles II.—Debts lawfully due by subjects shall be paid, whether they were contracted before the war or six months after it began.—British subjects may settle themselves in the town of St. Ander under conditions of 9th and 30th articles of Treaty of 1667.—If judge conservators are allowed to any nation in Spain, same shall be granted to British ; but until then orders shall be given to all magistrates, etc. to decide every case concerning British subjects without delay, partiality, or favour ; and Spanish Government consents that appeals from their decisions may lie with the council of war at Madrid.—Any person violating this Treaty shall be responsible ; and if holding a public office, shall be dismissed.—Subjects of Great Britain bringing wine, brandy, etc., from one port in Spain to another, and producing certificates of the duties having been paid, shall be suffered to put the said goods on board their ships at Cadiz or remove them from one ship to another, with the consent of the marine inspectors.—Ratification, 26 (two months).—Explanatory notes are annulled by Treaty, October, 1750.

5th October, 1750.—British subjects shall pay same duties on merchandise in Spanish ports as in time of Charles II.—Permission is hereby given to British subjects to take and gather salt on the Island of Fortudos.—Duties, 57.—Shall enjoy privileges of Treaty of 1667.—Spain and Great Britain will do their best to take off all innovations which may have been introduced into commerce.—Confirmation of Treaty of Aix-la-Chapelle, and other Treaties, as also Treaty of Commerce of 1713, except the explanatory articles.\*

#### *Sweden.*

17th July, 1656.—Contraband of war, 17.—Money shall not be sent to the enemy, nor assistance given them, by the subjects of either State.—Shall be lawful to trade with the enemies of the other State, and to

\* The above were renewed by Article II., of the Treaty of Versailles, in 1783.

carry them any goods whatever, except contraband ; but not to besieged ports.—Having established these principles, vessels shall be provided with a proper pass, on production of which nothing further shall be demanded.—Neither of the Contracting Parties shall allow the ships, goods, etc., of the other, which may have been taken by enemies at sea, to be brought into the ports of the other, but shall forbid the same ; and if they do come, they shall at once set the prisoners, subjects of the other State, free, and shall not suffer the vessels, etc., to be sold, but shall command them to be taken away.—Men-of-war of either nation may enter the ports of the other, on following conditions : Squadron not to consist of more than five ships, without giving notice thereof ; commander of squadron shall, without delay, deliver his letters of safe conduct to the Governor of the city or town, or acquaint him with the reasons of his coming, and how long he intends to stay ; they shall not anchor nearer to the forts than is convenient ; sailors, marines, &c., of the squadron shall not go on shore in bodies of more than forty at a time ; shall not obstruct ingress or egress of merchant ships frequenting the harbour ; they shall live peaceably and modestly, and with regard to the reciprocal friendship between the two countries. On observance of above, men-of-war shall be at liberty to come into the ports of the other Power, or remain in the roadsteads ; but if in larger force than five, two months' notice of their coming shall be given.—British subjects shall enjoy all privileges they formerly enjoyed in several branches of trade in Prussia and Poland, and if they desire others, everything shall be done to gratify them.—If Edicts of 1650 shall be burdensome to English or Scotch residing or trading in Poland and Prussia, same shall be invalid.—Special license may be given to Sweden to trade with America.—Privilege given to Swedish subjects to fish in seas and coasts of Great Britain, provided the ships employed do not exceed 1,000, and they shall, while so doing, not be injured or molested, nor any charges demanded, but shall be treated courteously, and allowed to dry their nets on shore, and purchase provisions from the inhabitants at a low price.

3rd March, 1813.—Cession of Island of Guadaloupe to Sweden for twenty years.—Sweden grants to England the right of *entrepôt* in the ports of Gottenburg, Carlsham, and Stralsund for all commodities, laden either on British or Swedish ships ; duty on *entrepôt* shall be one per cent., *ad valorem*.—As to other particulars respecting this object, general regulations of Sweden shall be adopted.—Privileges, 57.

16th July, 1824.—*Declaration*, reciprocity, 2.

18th March, 1826.—Reciprocity, 2 and 3.—Trade to British possessions to be extended to Sweden on footing of most favoured nation.—Removal of property, 20.—Duration, 25.—Ratification, 26.

26th October, 1849.—Decree.—Reciprocity, 2 and 3.

*Taras*

13th November, 1840.—Reciprocity, 2 and 3.—Recognition of vessels, 11.—Establishment of Consuls.—Deserters, 16.—Shipwreck, 18.—Religious toleration, 14.—Exemptions, 8a.—Courts of Justice, 6a.—Rupture, 10.—Duration, 25 (eight years).—Ratification, 26 (nine months).

*Tripoli*

18th October, 1662.—Peace and friendship, 1.—Reciprocity, 27.—Exemptions, 51.—Estate of deceased subjects, 13.—Transport, 31.—Judgment, 33.—Disputes, 53.—Debts, 34.—Punishment, 43.—Slaves, 39.—Non-abuse, 32.—Consul's privileges (*vide same*).—Prizes, 52.—Allowance to buy provisions in ports of Tripoli at market prices.—Shipwrecks, 18.—Injury, 46.

5th March, 1676.—Similar stipulations.—No commander to take any one by force from any ship.—No vessels of Tripoli shall be made corsairs or sea rovers.—Slaves, 39.—Punishment, 43.—Freedom, 50.—Rupture, 44.—Indemnification for former injuries.—British subjects shall not be permitted to turn Turk or Moor unless he voluntarily appear with Consul's Dragoman three times in twenty-four hours and declare his intention of doing so.—Salutes, 40.—After signing of Treaty all former injuries to be wiped away.

1st May, 1677.—Renewal of former Treaties.—British subjects trading with Tripoli, shall pay one per cent. less duty on their goods than any other foreign nation.—Privileges, Consular (*vide same*).

11th October, 1694.—Salute, 40 (twenty-seven guns).—Privileges, Consular (*vide same*).—Customs on goods brought by English shipping shall be three per cent.—Strangers shall be allowed to put themselves under protection of English Consul.

19th July, 1716.—Embodiment of above articles in one Treaty, with exception of the salutes and indemnifications of late war.—Minorca and Gibraltar, 45.—Cruising, 36.

19th September, 1751.—Similar Treaty, with additional articles, as follows: Privileges, 57.—Warlike stores, 41.—Mediterranean passes, 48.—No British merchant, under any pretence whatever, shall be detained more than eight days from proceeding to sea.—Should garrisons of Gibraltar or Port Mahon be in want of provisions, they can, on sending to Tripoli, be supplied at market prices.

22nd July, 1762.—Renewal of Treaty of 1751.

10th May, 1812.—Renewal of former Treaties and Peace.—Prizes, 57.

29th April, 1816.—Ionian Islands, 24.—All Ionian subjects shall be at once released.—Punishment of Tripoli cruisers for infringement of Treaty.—Oath of master and two of the crew shall be sufficient evidence that the vessel is British.

*Tunis.*

5th October, 1662.—Peace and friendship, 1.—Reciprocity, 27.—Non-seizure, 28.—Protection, 29.—Shipwrecks, 30.—Transport, 31.—Non-abuse, 32.—Addresses to Dey, 33.—Debts, 34.—Refitting, 37.—Slaves, 38.—Tunis ships of war fighting under her own colours with English ship, not wearing English colours, and surprising the latter, same shall be lawful prize.—Slaves escaping, 39.

30th August, 1716.—Similar Treaty, with following additions: Minorca and Gibraltar, 35.—Non-cruising, 36.—British fleet, which may be assembled at Gibraltar or Port Mahon, may be supplied from Tunis with provisions at market prices—Salutes, 40.—Privileges, Consular (*vide* same).—Duties on British imports 3 per cent., and shall always be 2 per cent., less than the French.—Warlike stores, 41.

19th October, 1751.—Similar Treaty, with following additions: Non-assistance to enemies, 42.—Punishment, 43.—Rupture, 10.—Gibraltar and Minorca, 45.—Subjects taken on board enemies' ships, if provided with proper passports, shall be at once released.—Injury, 46.—Respect, 47.—Mediterranean passes, 48.—Packets, 49.

22nd June, 1762.—Renewal of Treaty of 1715.—Consular Privileges (*vide* same).—Ships of Christian nation at war with England on the coast, etc. of Tunis, without range of cannon shot of the shore, may be made prize, and British ships shall be allowed to bring and dispose of the same in ports of Tunis.—This shall not take place in the case of vessels of a Mahomedan Prince.

2nd May, 1812.—Same as that of Tripoli of 10th May, same year.

17th April. 1816.— do. do. do. 29th April, do.

*Tuscany.*

5th April, 1847.—Reciprocity, 2 and 3.—Ionian islands, 24.—Duration of Treaty, 25 (till 1st January, 1857).—Ratification, 26 (two months).

30th December, 1854.—*Convention*, throwing open coasting trade.

*United States.*

3rd July, 1815.—Reciprocity, 2 and 3.—Admission of American vessels to trade with principal settlements in British dominions in the East Indies, but in time of war shall not export therefrom without special permission any military or naval stores, or rice; but trade shall only be conducted direct to ports of the United States.—Coasting trade, 23.—But may proceed in East Indies with original cargoes, or part thereof to other port therein.—Consuls (*vide* same).—Duration of Treaty, 25 (four years).—Ratification, 26 (six months).

Act of the Congress of the United States, "authorising the deposit

of the papers of foreign vessels with the Consul of their respective nations," March 3rd, 1817.—Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the register or other documents in lieu thereof, together with the clearance, and other papers granted by the officers of the Customs to any foreign ship or vessel at her departure from the port or place from which she may have arrived, shall, previous to entry in any port of the United States, be produced to the collector with whom such entry is to be made; and it shall be the duty of the master or commander, within forty-eight hours after such entry, to deposit the said papers with the Consul or Vice-Consul of the nation to which such vessel belongs, and to deliver to the collector the certificate of such Consul or Vice-Consul, that the said papers have been so deposited; and any master or commander as aforesaid who shall fail to comply with this regulation, shall upon conviction thereof, in any Court of competent jurisdiction, be fined in a sum of not less than 500 dollars, nor exceeding 2,000 dollars. Provided that this Act shall not extend to the vessels of foreign nations in whose ports American Consuls are not permitted to have the custody and possession of the register and other papers of vessels entering the ports of such nation, according to the provisions of the 2nd section of the Act supplementary to the Act "concerning Consuls and Vice-Consuls, and for the further protection of American seamen," passed the 28th February, 1803.

II. And be it further enacted, that it shall not be lawful for any foreign Consul to deliver to the master or commander of any foreign vessel the register and other papers deposited with him pursuant to the provisions of this Act, until such master or commander shall produce to him a clearance in due form from the collector of the port where such vessel has been entered, and any Consul offending against the provisions of this Act, shall, upon conviction thereof before the Supreme Court of the United States, be fined at the discretion of the Court, in a sum not less than 500 dollars, nor exceeding 5,000 dollars.—H. Clay, Speaker of the House of Representatives; John Gaillard, President of the Senate *pro tempore*.—March 3rd, 1817. Approved, James Madison.

20th October, 1818.—Fisheries, etc.—Extension of above Treaty to ten years, 25.

6th August, 1821.—Extension of above Treaty indefinitely, 25.—Ratification, 26 (nine months).

15th October, 1849.—Notification.—Reciprocity, 2 and 3.

#### *Uruguay.*

26th August, 1842.—Reciprocity, 2 and 3.—Recognition of ships, 11.—Privileges, 5 and 8.—Estate of deceased subjects, 13.—Rupture, 9

and 10.—Consuls (*vide* same).—Duration of Treaty, 25.—Ratification 26 (eighteen months).

*Venezuela.*

18th April, 1824.—Reciprocity, 2 and 3.—Recognition of ships, 11.—Privileges, 5 and 8.—Consuls (*vide* same).—Rupture, 9 and 10.—Religious toleration, 14.—Abolishment of slave trade.—Addition of Articles, 21.—Ratification, 26 (six months).

29th October, 1834.—Renewal of Treaty.—Annexation of Columbia.

*Wurtemberg.*

2nd March, 1841.—Same as that of Prussia, same date.

*Appointment and Privileges of Consuls under Treaties and Conventions.*

Bereira, 28th May, 1845, Article xi.—Cantalicunda, 18th <sup>African</sup> January, 1843, s. x.—Cartabar, 23rd April, 1841, s. x.—<sup>States</sup> (West). Corro, 9th January, 1843, s. x.—Dabacoonda, 21st January, 1843, s. 10.—Egarra, 6th September, 1841, s. xii.—Fouricaria, 28th May, 1845, s. x.—Malaghea, 23rd May, 1845, s. x.—Nyanibantang, 31st December, 1842, s. x.—Timmanees, 13th February, 1841, s. x., as follows:—The Queen of England may appoint an Agent to visit the country or to reside there, in order to watch over the interests of the English people, and to see that this agreement is fulfilled; and such Agent shall always receive honour and protection in the country; and the Chief shall pay attention to what the Agent says; and the person and property of the Agent shall be sacred.

Article xvii. with Algiers of 5th April, 1686.—The English Algiers. Consul is allowed to live in Algiers with entire freedom to his person and estate,—is permitted to choose his own broker, and go on board any ship in the roads; to have the liberty of the country, and allowed a place to pray in; and no man is to do him any injury by word or deed; and by Article xviii. he is allowed to depart with all his effects and family, both in time of peace and war, without any hindrance whatsoever.

Articles i., ii., iii., iv., and v., of 26th July, 1824, give the same power, as also that the Consul is to be treated with all respect

and civility ; that his house and person, etc., shall be inviolable. He shall be allowed to choose his own servants, and to hoist His Majesty's flag at the top of his house and in his boat. He shall not pay any duty on furniture, clothes, or necessities, for himself, family, or servants ; shall have full liberty to go and return when he pleases, and shall enjoy all privileges granted to any other Consul.

**Belgium.** 7th April, 1852, with Belgium, Article xvii.—Same as Bolivia.

**Bolivia.** 29th September, 1840.—With Bolivia, Article xi.—It shall be free for each of the two High Contracting Parties to appoint Consuls for the protection of trade, to reside in the dominions and territories of the other party ; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent ; and either of the Contracting Parties may except from the residence of Consuls such particular places as either of them may judge fit to be so excepted.—The Diplomatic Agents and Consuls of the High Contracting Parties shall enjoy in the territories of the other whatever privileges, exceptions, and immunities, are or may be granted to the Diplomatic Agents and Consuls of the most favoured nations in their respective territories.

**Brazil.** 17th August, 1827, Article ii.—The Contracting Parties shall have power to appoint Consular officers in each other's dominions for the protection of trade ; they shall not, however, enter on their functions without being duly nominated and acknowledged ; they shall enjoy the privileges which belong to their office, as usually recognized. In all cases, civil and criminal, they shall be amenable to the laws of the country they reside in ; and they shall enjoy the full protection of such laws, so long as they obey them. Article iii.—They shall exercise the authority of arbitrators in differences between the subjects of their respective States without the interference of the local authorities, unless where the public tranquillity requires it, or unless the parties call for it, by bringing their actions in the Courts of the country. They shall enjoy the right of administering the property of subjects of their nation dying intestate, for the benefit of the legitimate heirs to such property, and of the creditors of the estate, so far as the laws of the respective countries will admit.

**Buenos Ayres.** 2nd February, 1825, with Buenos Ayres.—Article x.—



Same as privileges in Treaty with *Bolivia* as far as “so excepted.”

27th November, 1849, with Costa Rica.—Article xi.—Costa Rica. Same as those of *Bolivia*.

11th July, 1670, with Denmark.—Article xxxviii. stipulates, that the Kings of Great Britain shall have in each others Courts their Ministers, and in certain ports their Consuls, for the better and more easy communicating and proposing such things as they shall think advantageous to the public interest or private concerns of any particular person.

6th March, 1850, with Dominica.—Article vii.—Each Contracting Party may appoint Consuls for the protection of trade, to reside in the dominions of the other; but no Consul shall enter upon the exercise of his functions until he have been approved and admitted in the usual form by the Government of the country to which he is sent; and same privileges as *Bolivia*.

18th April, 1825, with Ecuador.—Article x.—Same as Ecuador. *Buenos Ayres*; and 3rd May, 1851, Article x.

20th February, 1849, with Guatemala.—Article x.—Same as Guatemala. as *Bolivia*.

4th October, 1837, with Greece.—Article viii.—Her Britannic Majesty and His Majesty the King of Greece have agreed that each of the High Contracting Parties shall have the right to nominate and appoint Consuls-General, Consuls, and Vice-Consuls, in all the ports of the dominions of the other Contracting Party, wherein such Consular officers are or may be necessary for the advancement of commerce, and for the protection of the trade of the subjects of either crown; and it is expressly stipulated that such Consuls, of whatever class, shall, in the country in which they are stationed, be placed upon the footing of the Consuls of the most favoured nation.

21st November, 1848, with Liberia.—Article viii.—Same as Liberia. as *Dominica*.

26th December, 1826, with Mexico.—Article xi.—Same as Mexico. as *Bolivia*.

23rd January, 1721.—Article vii.—Treaty, 8th April, 1791. Morocco.—Article ii., and renewed by later Conventions with Morocco.—Same privileges, etc., as *Algiers*.

31st May, 1839, with Muscat.—Article iii.—The two High Contracting Parties to appoint Consuls to reside in each others dominions, who shall at all times be on the same

footing as those of the most favoured nation. Each of the Contracting Parties agrees to permit his own subjects to be appointed to Consular offices by the other Contracting Party, provided that the persons so appointed shall have, previously to commencing their duties, obtained the sanction of their respective sovereign.

Paraguay. 4th March, 1853, with Paraguay.—Article xii.—Same as *Bolivia*.

Peru. 5th June, 1837, with Peru.—Article xi.—Same as *Bolivia*.

Portugal. 29th January, 1642, with Portugal.—Article viii.—Stipulates that the Consuls named and appointed by Great Britain for the aid and protection of British subjects, remaining within the dominions of Portugal, shall freely and fully exercise the power and authority of Consuls within the said dominions; although they shall not profess the Roman religion.—Renewed by Article vii. of Treaty, 10th July, 1654.—s. vii. of Treaty, 19th February, 1810, gives power to the Consul to be present at the trial, etc., of any case concerning British subjects.—s. ix, that the Consuls of each nation shall possess the privileges which belong to their station, and which are recognised by all Governments as necessary for the due fulfilment of this office; but that they shall in all cases, both civil and military, be entirely amenable to the laws of the country in which they reside, and they shall enjoy full and entire protection of those laws so long as they conduct themselves in obedience thereto.

Sandwich Islands. 31st July, 1843, with Sandwich Islands.—Article iii.—As to the office of a Consul, whose duty it is to watch over and protect the rights and privileges of the nation he represents, and to decide disputes between her merchants, is one which has been proved by the practice of all civilised nations to be mutually advantageous for the promotion of commercial intercourse between two countries, and the avoidance of unnecessary recourse to the local government in matters of trivial import; His Majesty, actuated by a sincere desire to give unequivocal testimony of his determination to maintain friendly relations with a Power he has been taught to respect and to love, hereby pledges, for himself and his successors, that he will at all times be ready to acknowledge the rights of persons duly constituted to execute the office of British Consul, and to afford him ready access to his presence in council whenever it may be necessary, to lay before him any case of grievance or

complaint on the part of a British subject, reserving to himself only the power of objecting to any individual nominated *ad interim* during the absence of such Consul who he is prepared to show has violated his laws, despised his authority, and made a disturbance in the Kingdom, or other good and sufficient reasons, to be submitted to the British Government; and he further guarantees to such person so discharging the office *ad interim* and not so objected to, all the protection to which a Consul is entitled by the laws of nations, and all the liberty and safety necessary to the proper discharge of his duties.

27th February, 1851, with Sardinia.—Article xii.—Same Sardinia. as *Bolivia*.

23rd May, 1667, with Spain.—Article xxvii.—That the Spain. Consul who hereafter shall reside in any of the dominions of the two kingdoms for the help and protection of their subjects, being so named, shall have the same authority as any other Consul hath formerly had in the said dominions.

13th November, 1840, with Texas.—Article vii.—The Texas. Consuls and Vice-Consuls of each country shall, within the territory of the other, enjoy all the rights, privileges, and immunities, which are accorded to such functionaries by the law of nations.

18th October, 1662, with Tripoli.—Article vii.—No Consul Tripoli. shall be subject to any other decision except that of the Dey.—By xiii. he shall be allowed a place to pray in, and no man shall do him any harm.—Articles xvi. and xvii. of 1676, same privileges as Morocco.—Article ii. of Treaty of 1694, English Consul shall always be admitted to first interview with the Dey before any Consul of any other nation.—Renewed by Treaties of 1716 and 1751, and s. xx. of the latter, gives English Consuls precedence over all other Consuls.

5th October, 1662, with Tunis, s. viii. and ix., and s. ix. Tunis. and xv. of that of 1716, and viii. of that of 1751, gives same privileges as those enjoyed in *Tripoli and Morocco*.

3rd July, 1815, with America.—Article iv.—“It shall be <sup>United States.</sup> free for each of the two contracting parties respectively to appoint Consuls for the protection of trade, to reside in the dominions and territories of the other party; but before any Consul shall act as such, he shall in the usual form be approved and admitted by the Government to which he is sent; and it is hereby declared, that in case of illegal or improper conduct towards the laws or Government of the country to

which he is sent, such Consul may either be punished according to law, if the law will reach the case, or be sent back, the offended government assigning to the other the reasons for the same."

Uruguay. 26th August, 1842 with Uruguay.—Article x.—Same as *Bolivia*.

Venezuela. 18th April, 1825, with Columbia.—Article x.—Same as *Buenos Ayres*.

*The following are the Treaties entered into by Great Britain for the suppression of the Slave Trade.*

<i>Africa, West.</i>	Law, 7th Nov., 1831. Rio Janeiro.
<i>Vide List in Commercial Privileges, etc.</i>	Decree, 12th April, 1832. Rio Janeiro.
<i>Algiers.</i>	Portaria, 19th Oct., 1838. Rio Janeiro.
Declaration, 28th Aug., 1816.	Notice, 12th March, 1845. Rio Janeiro.
<i>Austria.</i>	Law, 4th Sept., 1850. Rio Janeiro.
Congress, 8th Feb., 1815. Vienna.	Decree, 14th Oct., 1850. Rio Janeiro.
Protocol, 26th July, 1815. Paris.	Decree, 14th Nov., 1850. Rio Janeiro.
Declaration, 28th Nov., 1822. Verona.	
Decree, 7th Aug., 1826. Vienna.	
Treaty, 20th Dec., 1841. London.	
Protocol, 3rd Oct., 1845. London.	
Treaty, 24th Feb., 1848. Belgium, London.	
<i>Belgium.</i>	
Treaty, 24th Feb., 1848. London.	
Protocol, 23rd June, 1849. London.	
<i>Bolivia.</i>	
Treaty, 25th Sept., 1840. Sucre.	
Law, 9th Nov., 1844. Sucre.	
<i>Borneo.</i>	
Treaty, 27th May, 1847. Bruni.	
<i>Brazil.</i>	
Convention, 23rd Nov., 1826. Rio Janeiro.	
	<i>Bremen.</i>
	Law, 20th Feb., 1837. Bremen.
	Convention, 9th June, 1837. Hamburg.
	<i>Buenos Ayres.</i>
	Law, 15th Nov., 1823. Buenos Ayres.
	Decree, 26th Nov., 1833. Buenos Ayres.
	Treaty, 24th May, 1839. Buenos Ayres.
	<i>Chile.</i>
	Treaty, 19th Jan., 1839. Santiago.

- Convention, 7th Aug., 1841. Santiago.
- Decree, 9th Nov., 1841. Santiago.
- Costa Rica.*
- Treaty of Commerce, 27th Nov., 1849. San José.
- Denmark.*
- Edict, 16th March, 1792. Copenhagen.
- Treaty, 26th July, 1834. Copenhagen.
- Dominica.*
- Treaty, 6th March, 1850. Santo Domingo.
- Ecuador.*
- Law, 26th September, 1830.
- Treaty, 24th May, 1841. Quito.
- France.*
- Regulations, Dec., 1814. Paris.
- Congress, 8th Feb., 1815. Vienna.
- Decree, 29th March, 1815. Paris.
- Protocol and Notes, 26th July, 1815. Paris.
- Ordinance, 8th Jan., 1817. Paris.
- Law, 15th April, 1818. Paris.
- Ordinance, 24th July, 1818. Paris.
- Ordinance, 22nd Dec., 1819. Paris.
- Declaration, 28th Nov., 1822. Verona.
- Ordinances, 18th Jan., and 13th Aug., 1823. Paris.
- Law, 25th April, 1827. Paris.
- Law, 4th March, 1831. Paris.
- Convention, 30th Nov., 1831. Paris.
- Suppl. Convention, 22nd March, 1833. Paris.
- Ordinance, 24th June, 1833. Paris.
- Treaty, Denmark, 26th July, 1834. Paris.
- Treaty, Sardinia, 8th Aug., 1834. Turin.
- Treaty, Hans Towns, 9th July, 1837.
- Treaty, Tuscany, 24th Nov., 1837.
- Treaty, Sicilies, 14th Feb., 1838.
- Treaty, 20th Dec., 1841. London.
- Protocol. Conferences, Feb., Nov. 1842. London.
- Convention, 29th May, 1845. London.
- Declaration, 6th Dec., 1845. London.
- Ordinance, 28th Feb., 1846. Paris.
- Protocol, 8th May, 1849. West Africa.
- Germany (General).*
- Resolution of Diet, 3rd Feb., 1843. Frankfort.
- Resolution of Diet, 19th June, 1845. Frankfort.
- Greece.*
- Law, 1st March, 1841. Athens.
- Hamburg.*
- Convention. Law, 9th June, 1837. Hamburg.
- Hanover.*
- Vide Germany.*
- Hayti.*
- Law, 19th Nov., 1839. Port au Prince.
- Convention, 23rd Dec., 1839. Port au Prince.
- Johanna.*
- Treaty, 8th Nov., 1844. Montsamlolo.
- Liberia.*
- Treaty, 21st Nov., 1848.
- Act of Legislature, 20th Dec., 1849.

*Lubeck.*

Same as Hamburg.

*Madagascar.*

Treaty and Proclamation, 23rd Oct., 1817. Tamatave.

Additional Articles and Proclamation, 11th Oct., 1820. Tamatave.

Additional Articles, 31st May, 1823. Tamatave.

*Mexico.*

Treaty, 24th Feb., 1841. Mexico.

Additional Articles, 13th April, 1842. Mexico.

*Muscat.*

Treaty, 10th Sept., 1822. Muscat. .  
Proclamation, 30th Oct., 1822.

Mauritius.

Additional Articles, 17th Dec., 1839.

Agreement, 2nd Oct., 1845. Zanzibar.

*Netherlands.*

Decree, 15th June, 1814. Hague.

Treaty, 4th May, 1818. Hague.

Law, 20th Nov., 1818. Brussels.

Decree, 16th April, 1821. Brussels.

Explanatory Articles, 31st Dec., 1822.

Additional Articles, 25th Jan., 1823.

Law, 23rd Dec., 1844. Brussels.

Law, 10th March, 1825.

Additional Articles, 7th Feb., 1837. Hague.

Additional Articles, 31st Aug., 1848. Hague.

*New Grenada.*

Law, 27th April, 1847. Bogotá.

Treaty, 2nd April, 1851. Bogotá.

*Oldenburg.*

*Vide Germany.*

*Persian Gulf.*

Engagement, 3rd May, 1847. Aboothabee.

Engagement, 1st May, 1847. Amulgavine.

Engagement, 8th May, 1847. Bahrain.

Engagement, 30th April, 1847. Debaye.

Engagement, 1st May, 1847. Eginan.

Engagement, 17th April, 1838. Suggester.

Engagement, 3rd July, 1839. Suggester.

Engagement, 30th April, 1847. Suggester.

*Portugal.*

Alvara, 14th Oct., 1751. Lisbon.

Alvara, 24th Nov., 1813. Santa Cruz.  
Convention Treaty, 21st and 22nd Jan., 1815. Vienna.

Declaration, 8th Feb., 1815. Vienna.

Royal Order, 17th Feb., 1817. Rio Janeiro.

Additional Convention, 28th July, 1817.

Alvara, 26th Jan., 1818. Rio Janeiro.

Additional Articles, 15th March, 1823. Lisbon.

Circular, 22nd Oct., 1835. Lisbon.

Notification, 18th Jan., 1836. Lisbon.

Decree, 10th Oct., 1836. Lisbon.

Circular, 2nd March, 1836. Lisbon.

Instructions, 1841, 1842. Cintra.

Treaty, 3rd July, 1842. Lisbon.

Memorandum, 3rd July, 1842. Lisbon.

Decree, 25th July, 1842. Lisbon.

Notes, 30th July, 1842. Lisbon.

Portaria, 13th Aug., 1844. Lisbon.  
 Portaria, 5th Sept., 1844. Lisbon.  
 Decrees, 14th Sept., 1844. Lisbon.  
 Portaria, 10th Dec., 1844. Lisbon.  
 Portaria, 29th Dec., 1845. Lisbon.  
 Decrees, 1st and 10th Sept., 1846.  
 Lisbon.  
 Decrees, 18th April, 1848. Dely.  
 Protocols, 12th August, 1847. 19th  
 Nov., 1850. London.

*Prussia.*

Declaration, 8th Feb., 1815. Vienna.  
 Protocol, 26th July, 1815. Paris.  
 Declaration, 28th Nov. 1822. Verona.  
 Treaty, 20th Dec. 1841. London.  
 Protocols, Feb., Nov. 1842. London.  
 Protocols, 3rd Oct., 1845. London.  
 Treaty, 24th Feb., 1848. London.

*Rome.*

Brief, 3rd Dec., 1839. Rome.

*Russia.*

Same as Prussia, with additions.  
 Circular, Dec., 1835. St. Petersburg.  
 Treaty, 20th Dec., 1841., instead of  
 10th Dec.  
 Ukase, 26th March, 1842. St. Peters-  
 burg.

*Sardinia.*

Treaty, 8th Dec., 1834. Turin.  
 Protocol, 8th Dec., 1834. Turin.  
 Circular, 1st March, 1837. Turin.

*Saxony.*

*Vide* Germany.

*Sicilies.*

Convention, 14th Feb., 1838. Naples.  
 Law, 7th Aug., 1838. Naples.  
 Law, 14th Oct., 1839. Capodimonte.

*Spain.*

Declaration, 8th Feb., 1815. Vienna.  
 Articles, 28th Aug., 1814. Madrid.

Treaty, 23rd Sept., 1817. Madrid.  
 Cedula, 19th Dec., 1817. Madrid.  
 Explanatory Article, 10th Dec., 1822.  
 Madrid.  
 Order, 2nd Jan., 1826. Madrid.  
 Order, 15th April, 1828. Madrid.  
 Treaty, 28th June, 1835. Madrid.  
 Royal Order, March, 1838. Madrid.  
 Law, 2nd March, 1845. Madrid.

*Sweden.*

Proclamation, 16th March, 1792  
 Norway.  
 Declaration, 8th Feb., 1815. Vienna.  
 Proclamation, 7th Feb., 1823. Stock-  
 holm.  
 Treaty, 6th Nov., 1824. Stockholm.  
 Ordinance, 21st July, 1825. Stock-  
 holm.  
 Additional Article, 15th June, 1835.  
 Stockholm.

*Texas.*

Treaty, 16th Nov., 1840. London.

*Tunis.*

Declarations, 1841, 1846.

*Tuscany.*

Convention, 24th Nov., 1837. Flo-  
 rence.  
 Circular, March, 1840. Florence.

*United States.*

Acts of Congress, 22nd March, 1794;  
 10th May, 1800; 28th Feb.,  
 1803; 2nd March, 1807; 20th  
 April, 1818; 3rd March, 1819;  
 15th May, 1820; 3rd March, 1843.  
 Convention, 12th July, 1822; 13th  
 Nov., 1826; 2nd March, 1827;  
 9th August, 1842.

*Uruguay.*

Treaty, 13th July, 1839. Monte  
 Video.

*Venezuela.*

Treaty, 15th March, 1839. Caraccas.

*The following are the Acts of Parliament, etc., relating to the Slave Trade.*

*Slavery.\**

11 Geo. IV., and 1 Wm. IV., c. 55.—Reducing the rate of bounties upon the seizure of slaves.

3 & 4 Wm. IV., c. 72.—For carrying into effect two conventions with the King of the French for suppressing the slave trade.

3 & 4 Wm. IV., c. 73; 5 & 6 Wm. IV., c. 45; 6 Wm. IV., c. 5; 6 & 7 Wm. IV., c. 82; 1 Vict., c. 3; 1 Vict., c. 19; 2 & 3 Vict., c. 73; 4 Vict., c. 18; 5 & 6 Vict., c. 91; 6 & 7 Vict., c. 99.—For the abolition of slavery, and for compensating owners of slaves, and for the suppression of the slave trade.

5 & 6 Vict., c. 114.—Repealing so much of 2 & 3 Vict. c. 73 as relates to Portugal.

8 & 9 Vict., c. 93.—Provisions of 8 & 9 Vict., c. 93, relating to seizures extended to seizures under 5 Geo. IV., c. 119.

5 & 6 Wm. IV., c. 60.—For carrying into effect a Treaty with the King of the French and the King of Sardinia.

5 & 6 Wm. IV., c. 61.—The like with the King of the French and the King of Denmark.

6 Wm. IV., c. 6.—The like with the Queen Regent of Spain.

1 & 2 Vict., c. 39.—For carrying into effect a Convention of Accession of the Hans Towns to two Conventions with the King of the French.

1 & 2 Vict., c. 40.—To carry into effect an additional article with Sweden.

1 & 2 Vict., c. 41.—The like with the Netherlands.

1 & 2 Vict., c. 47; 5 & 6 Vict., c. 42.—For more effectually carrying into effect the Treaties and Conventions made with Foreign Powers for suppressing the slave trade.

1 & 2 Vict., c. 83.—For carrying into effect a Convention of Accession of the Duke of Tuscany to two Conventions with the King of the French.

1 & 2 Vict., c. 84.—The like of the King of the Two Sicilies.

3 & 4 Vict., c. 67.—For carrying into effect the Treaty between Her Majesty and the Republic of Venezuela.

5 & 6 Vict., c. 40.—For carrying into effect the Treaty between Her Majesty and the Argentine Confederation.

5 & 6 Vict., c. 41.—The like with the Republic of Hayti.

5 & 6 Vict., c. 101.—Extending to the Governors and Officers of the East India Company the powers given by 5 Geo. IV., c. 113, for the more effectual suppression of the importation of slaves into India by sea.

\* Archer's Index of the Unrepealed Statutes.



6 Vict., c. 14.—For carrying into effect a Treaty with the Republic of Bolivia.

6 Vict., c. 15.—The like with the Republic of Texas.

6 Vict., c. 16.—The like with the Oriental Republic of the Uruguay.

6 & 7 Vict., c. 50.—For carrying into execution a Treaty, signed at London, for the suppression of the slave trade, so far as the same relates to Great Britain, Austria, Prussia, and Russia.

6 & 7 Vict., c. 51.—The like with the Mexican Republic.

6 & 7 Vict., c. 52.—The like with the Republic of Chili.

6 & 7 Vict., c. 53.—The like with the Queen of Portugal.

7 & 8 Vict., c. 26.—Authorising Her Majesty to carry into immediate execution, by Orders in Council, any Treaties for the suppression of the slave trade.

8 & 9 Vict., c. 122.—To amend an Act for carrying into execution a Convention with the Emperor of Brazil.

11 & 12 Vict., c. 116.—For carrying into effect the Treaty with the Republic of the Equator.

11 & 12 Vict., c. 128.—For carrying into effect the agreement with the Imaum of Muscat.

12 & 13 Vict., c. 84.—For carrying into effect engagements with certain Arabian Chiefs in the Persian Gulf.

*The two following States have Treaties, etc., for the arrest of Fugitive Criminals.*

United States.—6 & 7 Vict., c. 76 ; 8 & 9 Vict., c. 120 ; Act of Congress, 12th August, 1848.

France.—6 & 7 Vict., c. 75 ; Treaty, 13th February, 1843 ; 8 & 9 Vict., c. 120.

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## SECTION THE NINTH.

## MONEYS, WEIGHTS, AND MEASURES.

## AUSTRIA.

## MONEY.

1 florin = 2s.

1 ducat, or 4 florins 30 kreutzers, = 9s.

1 dollar or thaler = 2 florins, 4s.

1 florin = 60 kreutzers; 1 kreutzer = 4 pfennig.

The metallic currency consists of—

In gold. Ducats = 4 florins 30 kreutzers; Souverains = 13 florins 20 kreutzers; and half souverains = 6 florins, 40 kreutzers.

In silver. 1,  $\frac{1}{2}$ ,  $\frac{1}{4}$ , species thaler, of 2, 1, and  $\frac{1}{2}$  florins, 1,  $\frac{1}{2}$ , and  $\frac{1}{4}$  crown thalers = 2 florins, 12 kreutzers, 1 florin, 6 kreutzers, and 33 kreutzers respectively; and silver pieces of 20, 17, 15, 10, 7, 5, 3, and 1 kreutzer.

In copper. Polturack of  $1\frac{1}{2}$  kreutzer; groschen of  $\frac{3}{4}$  kreutzer; 1,  $\frac{1}{2}$ , and  $\frac{1}{4}$  kreutzer.

## MEASURES.

*Long Measure.*

100 Vienna feet = 103·710 English feet.

1 Vienna foot = 12 inches of 12 lines.

The furlong is 6 feet, and 1 post-mile = 4,000 furlongs.

*Liquid Measure.*

100 Vienna eimers = 31·144 English Imperial gallons.

1 wine eimer = 41 mass.

1 beer ditto =  $42\frac{1}{2}$  ditto.

*Dry Measure and Weights.*

100 metzen = 21·150 English imperial quarters.

1 metzen = 1,9471 cubic Vienna feet.

1 muth = 30 metzen.

1 Centner = 100 Vienna pounds = 128·460 English pounds.

1 Vienna pound = 32 loths, 1 loth = 4 quentchen.

1 saum = 275 pounds Vienna, 1 stone 20 pounds ditto.

## LOMBARDY.

1 lire = 100 centesimi = 20 kreutzer.

Currency, gold; same as Vienna.

Silver scudi = 6 lire =  $\frac{1}{2}$  scudi.

Copper soldi = 5 cents.

Paper currency is depreciated from 20 to 35 per cent.

## BAVARIA.

1 florin = 1s. 8d.

3 kreutzers = 1d.

1 ducat = 9s. 3d.

1 crown thaler = 4s. 4d.

Gold currency.—10 and 5 gulder stuck.

Silver currency.— $3\frac{1}{2}$  silver florin piece, ducat, crown thaler, 1 florin.

1 gulden or florin = 60 kreutzer; 1 kreutzer = 4 pfennig.

## WEIGHTS AND MEASURES.

*Long Measure.*

100 feet = 95·756 English feet.

100 ells = 91·101 English yards.

1 ell = 3 feet, 1 foot = 12 inches.

1 inch = 12 lines.

*Liquid Measure.*

100 mass = 23·529 English imperial gallons.

1 eimer =  $9\frac{1}{2}$  English imperial gallons.

1 cask or fass beer = 25 eimer; 1 eimer = 64 mass.

*Dry Measure.*

100 scheffel = 76·740 English imperial quarters.

100 metzen = 12·745 English imperial quarters.

1 scheffel = 6 and 7 metzen.

## WEIGHTS.

100 lbs. centner = 128·457 English avoirdupois lbs.

1 centner = 100 lbs.; 1 lb. = 32 loth; 1 loth = 4 quentchen.

## BELGIUM.

10 centimes = 1*d*.1 franc 20 centimes = 1*s*.25 francs = 1*l*.

Gold currency.—Leopold = 25 francs.

Silver currency.—10, 5, and 1 franc pieces.

Copper currency.—Sous, centimes.

1 franc = 100 centimes.

*Long and Land Measure.*

Metre = 3,280 feet.

Millimètre = 0,039 miles.

Centimetre = 0·898 miles.

Decimetre = 8·937 miles.

Myriametre = 6·213 miles.

Mitre Cane = 1·196 square yards.

Are = 0·098 roods.

Hectare = 2·478 acres.

*Liquid Measure.*

Litre = 1·760 pints.

Décalitre = 2·201 gallons.

Hectolitre = 22·009 gallons.

## WEIGHTS.

Gramme = 15,438 grains troy.

Kilogramme =  $\begin{cases} 2,680 \text{ lbs. troy.} \\ 2,205 \text{ lbs. avoirdupois.} \end{cases}$ 

## BENGAL.

1 Gold mohur = 1*l* 9*s*.1 Rupee sicca = 1*s* 10½*d*.*Vide* CALCUTTA.

## WEIGHTS AND MEASURES.

Seer = 2 lbs.

Factory maund = 74 lbs. 10 oz.

Bazar maund = 82 lbs. 20 oz.

Coss = 1½ mile square.

Beya = 2 to 3½ acres.

## BRAZILS.

Dobros = 12,800 reis = 3*l* 11*s* 6*d*.½ Ditto = 6,400 reis = 1*l* 15*s* 9*d*.Pecas = 4,000 do. = 1*l*.Do. = 960 do. = 4*s* 1*d*.Pataca = 320 do. = 1*s* 4*d*.Testones = 100 do. = 5*d*.

Gold currency.—Pieces of 1,000, 2,000, and 3,000 reis; dobros of 12,800 reis; ½ do. 6,400; and pecas of 4,000 reis, (12½ patacas pieces.)

Silver currency.—Pecas of 960 reis, (3 patacas pieces); patacas of 320

reis;  $\frac{1}{2}$ ,  $\frac{1}{4}$ , and  $\frac{1}{8}$ , ditto; crusados of 480 reis;  $\frac{1}{2}$ ,  $\frac{1}{4}$ , and  $\frac{1}{8}$ , ditto; testones of 100 reis.

Copper currency.—1, 2, 4 vintems, and  $\frac{1}{2}$  and  $\frac{1}{4}$  ditto.

*Measures of length same as Portugal.*

\*100 arretels = 101.18 lbs. avoirdupois.

1 arroba = 32.38 lbs. avoirdupois.

100 covadas = 74.14 yards.

100 varas = 119.83 yards.

100 medidas = 59.54 imperial gallons.

100 alquieres = 13.87 imperial quarters.

#### BREMEN.

2 groschen = 1d.

24 groschen = 1s.

6 rix thalers 6 groschen = 1l.

Gold currency.—Rigxdol, louis d'or.

Silver currency.—Thaler, groat piece.

Copper currency.—Groschen.

#### *Long Measure.*

100 feet = 94.933 English feet.

100 ells = 68.289 English yards.

1 ruthe = 16 feet; 1 foot = 10 and 12 inches.

#### *Liquid Measure.*

100 stübchen = 70.903 English imperial gallons.

1 fuder = 6 ohm = 45 stübchen = 180 quarts.

1 anker = 45 quarts, 1 quart = 4 mingel.

Hogshead or oxhoft =  $1\frac{1}{2}$  ohm.

#### *Dry Measure, Weights.*

100 scheffel = 25.485 English imperial quarters.

100 lbs. = 109.899 English avoirdupois pounds.

1 centner = 116 lbs.; 1 lb. = 32 loth of 4 quentchen; 1 quentchen = 4 orth.

\* Tate's Modern Cambist.

#### BRUNSWICK.

10 thalers = 1l. 12s. 4d.

1 thaler = 3s.

1 groschen =  $1\frac{1}{4}$ d.

10 pfennig = 1d.

Gold currency.—Ducats of  $2\frac{1}{2}$  thalers, pistoles, Charles d'or, William d'or of 5 and 10 thalers,  $\frac{1}{2}$  ditto of  $2\frac{1}{2}$  thalers.

Silver currency.—1,  $\frac{1}{2}$ , and  $\frac{1}{4}$  conventions thaler of 48, 24, and 12 mariengroschen; 20, 10, and 5 kreutzer piece of 6, 3, and  $1\frac{1}{2}$  mariengroschen.

Copper currency.—Pfennige.

#### WEIGHTS AND MEASURES.

#### *Long Measure.*

100 feet = 93.625 English feet.

100 ells = 62.416 English yards.

1 ruthe = 8 ells or 16 feet; 1 foot = 12 inches.

#### *Liquid Measure.*

100 quarter = 20.620 English imperial gallons.

1 fuder = 1 oxhoft, 6 ohm; 1 ohm = 10 stübchen of 2 mass of 2 quartier of 2 rösel.

1 anker = 40 quartier; 1 ohm, 160; 1 oxhoft or hogshead, 240; and 1 ton, 108 quartier.

#### *Dry Measure and Weights.*

1 himten = 10.711 English imperial quarters.

1 wispel has 4 scheffel, 40 himten, 160 vierfass, or 640 löcher.

100 lbs. = 103.111 English lbs. avoirdupois.

1 shiffalast has 4,000 lbs.; 1 centner has 114 lbs. = 5 heavy = 100 light stone or stein; 1 lb. = 32 loth of 4 quentchen.

#### CALCUTTA.

1 mohur = 33.212 shillings.

1 sicca rupee = 24·79 pence.

1 lack = 100·000 rupees; 1 crore = 100 lack; and 1 quirda = 4.

Gold currency.—1 mohur, 1 sicca rupee, 1 ferraahabad rupee, and one Bengal ditto.

#### WEIGHTS AND MEASURES.

1 haut = 18 inches.

1 kbahoon = 40 baz or maunds = 16 soales of 20 pallies; 1 pallie = 10·2668 English lbs., avoirdupois.

1 chittack = 5 sicca; 1 seer = 4 penahs.

1 maund = 40 seers.

100 bazar maund = 110 factory maunds.

1 bazar maund = 82·132 English lbs.

1 factory maund = 74·666 English lbs.

#### CHILI.

Same as Spain.

#### CHINA.

720 to 1,000 cash = 4s. 2d.

1 tael = 6s. 1d.

The currency consists of a copper piece called cash, and silver pieces called tael. Gold is used as a currency; but is only in thin leaves, and is generally used as barter. There is very little credit, and the natives still resort to the primitive mode of barter.

*Vide* proclamation, dated Hong Kong, 29th March, 1842.

#### WEIGHTS AND MEASURES.

1 tael = 583½ grains troy.

1 catty = 1½ lbs. avoirdupois.

1 pecul = 133½ lbs. avoirdupois.

1 pecul = 100 catties; 1 catty = 16 taels.

Many things are sold by the English weight, such as coals, anchors, cables, etc.

#### DENMARK.

3¼ skill = 1d.

44 skill = 1s.

9 rigxd 16 skill = 1l.

Gold currency.—Christian d'or of 7½ reichbanks thaler; species = ducats of 4 reichbanks thalers; cor: ducats of 3½ reichbanks thalers; double and single Friedericks d'or of 15 and 7½ reichbanks thalers.

Silver currency.—Species thaler of 2 reichbanks thaler; ½ ditto of 1 ditto, 1s. 6d.; species thaler ½ ditto, ¼ ditto, 1 and 2 skillings.

Copper currency.—1 and ½ skilling pieces.

1 reichbank thaler = 6 mark and 16 skillings.

#### WEIGHTS AND MEASURES.

##### *Long Measure.*

1 mile = 4·684 English miles.

1 foot = 12½ English inches.

100 ells = 68·648 English yards.

1 foot = 12 inches.

##### *Liquid Measure.*

100 cans = 42·520 English imperial gallons.

100 potts = 2·126 English imperial gallons.

1 stück = 7½ ohm of 4 anker.

1 anker = 19½ cans = 38½ potts.

##### *Dry Measure.*

100 tonder = 47·844 English imperial quarters.

1 laest = 22 tonders; 1 tonder = 4 quarters of 2 skaeppen.

##### *Weights.*

100 lbs. = 110·077 English lbs. avoirdupoise.

1 centner = 100 pounds = 1 pound = 16 unzer or ounces or 32 lod; 1 lod = 4 quentchen or 16 ort; 1 ort = 16 es; 1 es = 8 gran.

## EAST INDIES.

*Vide* Bengal and Calcutta.

## EGYPT.

17 paras = 1*d*.5 piastres = 1*s*.97 piastres 20 paras = 1*l*.

Gold currency.—Sequin of 50 piastres; saadeeyeh, 4 piastres; kheyreeveh, 9 piastres.

Silver currency.—New piastre = 12 piastres; grush = 4 piastres; 1 piastre.

Copper currency.—Moschersch,  $\frac{1}{2}$  piastre; fuddah, or para.

1 piastre = 40 paras.

Long and Liquid Measure as Turkey.

*Dry Measure.*

100 ardeb = 101.66 imperial quarters.

*Weights.*

1 okka = 400 drammon of 16 karat of 16 gran.

1 cantar = 100 rotti.

## FRANCE.

10 cents = 1*d*.1 franc 25 cents = 1*s*.25 francs = 1*l*.

Gold currency.—40 and 20 franc pieces.

Silver currency.—5, 2, 1 $\frac{1}{2}$ , and  $\frac{1}{4}$  francs.Copper currency.—2 and  $\frac{1}{2}$  decimes, and 5, 2, and 1 centimes.

## WEIGHTS AND MEASURES.

*Long Measure.*

100 mètres = 328.090 English feet.

1 millimètre = 0.03937 English inch.

1 mètre = 10 décimètre, 1 décimètre = 10 millimètres.

1 myriomètre = 10,000 mètres; 1 kilomètre = 1,000 mètres.

1 hectomètre = 100 mètres; and 1 decamètre = 10 mètres.

*Liquid and Dry Measure.*

100 litre = 22.010 English imperial gallons.

100 hectolitre = 34.390 English imperial quarters.

1 centilitre = 0.61029 cubic inches.

1 millilitre = 0.06104 cubic inches.

1 litre = 10 decilitres.

" = 100 centilitres.

" = 1,000 millilitres.

1 myriolitre = 10 kilolitres.

" " = 100 hectolitres.

" " = 1,000 decalitres.

" " = 10,000 litres.

*Long Measure.*

100 mètres = 109.363 English yards.

1 mètre = 32.809 English feet.

1 kilomètre = 1093.6289, ditto.

100 post miles = 87.7 lieues de France = 242.2 English miles.

1 lieue marine = 3.4521 English miles.

1 hectare = 2.4712 English acres.

1 are = 119.6046 English yards.

1 myriamètre = 2.25 lieues de France.

" " = 2.565 French post miles.

1 myriamètre = 1.8 French sea miles.

100 French post miles = 39 myriamètres.

1 myriamètre = 10 kilomètres = 100 hectomètres = 1,000 decamètres = 10,000 metres.

*Weights.*

100 kilogrammes = 220.48 lbs. avoirdupois.

1 decagramme = 154.3402 grains.

1 gramme = 10 decagrammes = 100 centigrammes = 1000 milligrammes.

1 myriogramme = 10,000 grammes.

1 kilogramme = 1,000 grammes.  
 1 hectogramme = 100 grammes.  
 1 decagramme = 10 grammes.

## FRANKFORT.

Rix dollar = 4s. 6½d.  
 Marc = 1s. 5½d.  
 Gold ducat = 9½d.

*Metallic Currency.*

Gold.—2½, 5, and 10 thaler pieces.  
 Silver.—6, 12, and 36 grote pieces.  
 Copper.—groschen or grotes.

## WEIGHTS AND MEASURES.

*Long Measure.*

100 feet = 93·378 English feet.  
 100 ells = 59·855 English yards.  
 1 foot = 12 inches; 1 inch = 12 lines.

*Dry Measure.*

100 malter = 39·46 English imperial quarters.

1 malter = 4 simmer, 8 mesten, 16 sechter.

*Fluid Measure.*

100 old mass = 39·461 English imperial gallons.

1 ohm = 20 viertel of 4 mass of 4 schoppen.

1 stuck of wine = 8 ohm, 1 fuder = 6 ohm.

*Weights.*

100 lbs. = 111·409 English avoirdupois lbs.

1 centner = 100 lbs.; 1 lb. = 32 loth of 4 quentchen.

## GREECE.

11 para or lepta = 1d.  
 1 drachmæ 30 lepta = 1s.

28 drachmæ 15 lepta = 1l.

Gold currency.—Pieces of 10, 20, 40, and 50 drachmæ.

Silver currency.—Okos or 5 drachmæ piece, drachmæ.

Copper currency.—Piaſtre, para or lepta, asper.

100 para or lepta = 1 drachmæ.

*Weights and measures nearly same as Turkey.*

*Weights.*

100 okes = 280 lbs. avoirdupois.  
 1 oke = 400 dramai.

*Dry Measure.*

100 kilon = 11½ English imperial quarters.

## HANOVER.

1 George pistole = 16s. 4d.

1 thaler = 2s. 11½d.

Gold currency.—George pistole, William d'or ducat.

Silver currency.—Thaler, ½ thaler.

Copper currency.—Groschen, pfennig.  
 1 thaler = 24 groschen, 12 pfennig.

## WEIGHTS AND MEASURES.

*Long Measure.*

1 foot = 11½ English inches.  
 100 feet = 95·833 English feet.  
 100 ells = 63·889 English yards.  
 1 foot = 12 inches; 1 inch = 12 lines; 1 ell = 2 feet.  
 1 klafter = 6 feet; 1 ruthe = 16 feet.  
 1 mile = 25·400 feet.

*Liquid Measure.*

100 kannen = 42,852 English imperial gallons.

100 stübchen = 85·700 English imperial gallons.

1 stübchen = 2 kannen or 4 quartier ;  
 1 quartier = 2 rössel.  
 40 quartier = 1 anker, 4 anker 1 ohm ;  
 1 fuder has 4 oxhoft or 6 ohm.

*Dry Measure.*

100 himten = 10,713 English imperial quarters.

1 himten = 4 metzen ; 1 metzen or spint = 4 sechzehntel or hoop ; 6 himten = 1 malter ; 16 malter = 1 last.

*Weights.*

100 centner = 92,064 English cwt.  
 1 schiffslast = 4,000 pfund ; 1 centner = 100 pfund ; 1 pfund = 32 loth.

## HANSEATIC STATES.

1 schil. 3 pfen = 1*d*.

13½ schil. = 1*s*.

16 mk. 8 schil. = 1*l*.

Gold currency.—Ducat.

Silver currency.—Rixdollar, marc, schelling.

Copper currency.—Pfennig.

1 rixdollar = 3 marcs ; 1 marc = 16 schilling ; 1 schilling = 12 pfennig.

## WEIGHTS AND MEASURES.

*Long Measure.*

100 ells = 62·76 English imperial yards.

1 foot = 11·2 English inches.

1 ell = 2 feet, 1 foot = 12 inches.

*Liquid Measure.*

1 oxhoft or 30 viertel = 47·68 English imperial gallons.

1 fuder = 4 oxhoft = 6 ohm of 4 anker, of 1½ eimer, of 4 viertel, of 4 stübchen, of 4 quartier, of 2 oeffel.

1 viertel = 7·22 liter ; 1 ton beer = 48 stübchen ; 1 small ton = 32 stübchen.

*Dry Measure.*

100 fass = 18·90 English imperial quarters.

1 last = 60 fass, of 2 himten, of 4 spint.

1 scheffel = 2 fass and 3 fass.

*Weights.*

100 lbs. = 106·72 English avoirdupois lbs.

1 schiffspfund = 2½ centner.

1 centner = 112 lbs.

1 pfund = 16 unzen, or 32 loth.

1 scheffspfund for carriage = 320 lbs.

1 stone flachs = 20 lbs.

1 ditto wool = 10 lbs.

## HAYTI.

1 gourde = 1*s*. 4*d*.

1 ditto = 100 cents.

There is no proper currency—Spanish dollars, etc., are used frequently.

## WEIGHTS AND MEASURES.

The quintal = 108 lbs., is generally in use. Goods are sold according to the French and English weights and measures.

## HOLLAND.

5 cents. = 1*d*.

60 cents. = 1*s*.

12 guilders = 1*l*.

1 guilder = 100 cents.

Gold currency.—5 and 10 guilder pieces.

Silver currency.—Ducats of 5 guilders 50 cent. ; thaler of 2 guilder 50 cents. ; 1 and 3 guilder pieces ; 50, 25, 10 and 5 cent. pieces, and 3 and 1 guilder pieces.

Copper currency.—1 and ½ cent. pieces.



## WEIGHTS AND MEASURES.

*Long Measure.*

100 ells = 109·3637 English yards.

1 foot = 11 English inches.

1 ell = 10 palmer of 10 duim.

1 ell = 4 feet; 1 roade = 10 ellen.

*Liquid Measure.*

1 vat = 100 kan; 1 kan = 10 maatjes.

1 maatje = 10 fingerhoed.

1 vat = 22·01 imperial gallons.

*Wine Measure.*

1 ohm = 4 anker, 8 stekanen, 21 viertel, 64 stoppen, 128 mingeln, 256 pinten.

*Dry Measure.*

50 mudden = 17·195 English imperial quarters.

1 last = 10·32 English imperial quarters.

1 last = 30 mudden; 1 mudden = 10 schepels; 1 schepel = 10 koppen.

*Weights.*

100 = 108 lbs. avoirdupois.

1 pond = 10 ounces = 100 lodden = 1,000 wigtjes.

## NORWAY.

2½ skill = 1d.

28 skill = 1s.

4 sp. dol. 75 skill = 1l.

1 species dollar = 5 marks of 24 shillings (skillings).

Silver currency.—1 and ½ species dollars, and ¼ and ⅛ ditto.

Copper currency.—Skilling pieces.

*Weights and Measures as Sweden.*

## PAPAL STATES.—ROME.

2 bajocchi = 1d.

2 paoli 5 bajocchi = 1s.

46 paoli 5 bajocchi = 1l.

1 scudi = 100 bajocchi or 10 paoli;

1 bajocchi = 5 quatrini.

Gold currency.—Doppia of 315 bajocchi; zechini of 215 bajocchi.

Silver currency.—Scudi, ½ ditto: testoni of 30 bajocchi; papeti of 20 bajocchi; double and 1 carlini of 15 and 7½ bajocchi; 4, 2, and single bajocchi.

Copper currency.—2, 1, ½ bajocchi of 10, 5, and 2½, and 1 quatrini.

## WEIGHTS AND MEASURES.

*Long Measure.*

1 foot = 11·72 English inches.

1 bau canna = 87·96 English inches.

1 ell = 2·1890 English yards.

1 ell = 8 palmi.

*Liquid Measure.*

1 barilo = 12½ English imperial gallons.

1 barilo = 32 boccali of 4 fogliette.

1 fogliette = 4 cartocci; 1 botta = 9 barili.

*Dry Measure.*

1 rubbio = 1·013 English imperial quarters.

1 rubbio = 2 rubiatelli, 4 quarti, 8 quartarelli, 16 stari.

*Weights.*

100 lire = 74·771 English lbs. avoirdupois.

1 cantaro = 1,000 lire; 1 decina = 10 lire; 1 lire = 12 once; 1 once = 24 denari.

## PIEDMONT.—GENOA.

1 lira nuova = 9½d.

20 „ „ = 15s. 10d.

1 lira = 100 centesimi.

5 lira nuova = 6 lire fuori banco.

Gold currency.—Doppia of 80, 40, and 20 lire nuove.

Silver currency.—Scudi of 5 lire 2, 1½, and ½, ditto.

Copper currency.—5, 3, and 1 centesimi.

#### WEIGHTS AND MEASURES.

##### *Long Measure.*

100 palmi = 27 English yards.

100 braccio = 63·02 English yards.

1 canna = 12 palmi.

1 canna piccola = 9 palmi.

##### *Liquid Measure.*

100 mezzarole = 3478·23 English imperial gallons.

1 mezzarole = 2 barili = 100 penti.

##### *Dry Measure.*

100 mine = 40·14 English imperial quarters.

1 mina = 8 quarti; 1 quarti = 12 cambetti.

##### *Weights.*

100 libbra peso = 76·871 lbs. avoirdupois.

#### PORTUGAL.

20 reis or 1 vintem = 1½d.

206 „ „ = 1s.

4120 „ „ = 1l.

1 millereis = 1,000 reis; 1 crusado = 480 reis; 1 testone = 100 reis; 1 real = 2 vintem; 1 vintem = 20 reis.

Gold currency.—Dobraons of 20,000 ½, ditto; lisbones of 4,000; moedors of 2,000, millereis of 1,000, and crusados of 400 reis.

Silver currency.—Crusado of 480 reis, ½, ¼, and ⅛ ditto; whole and ½ testones of 100 and 50 reis.

Copper currency.—10, 5, 3, and 1½ reis.

#### WEIGHTS AND MEASURES.

1 pé = 12·944 English inches.

100 varas = 119·862 English imperial yards.

1 pé = 1½ palmas of 12 polegados of 12 linhas; 1 vara = 5 palmos.

##### *Liquid Measure.*

1 almuda = 368·46 English imperial gallons.

1 almuda = 2 alqueires, 12 canadas.

1 tonelada = 2 pipas of 26 almudas.

##### *Dry Measure.*

1 alqueira = 0·04645 English imperial quarters.

1 moyo = 15 fanegas of 4 alqueiras of 2 meynos of 2 quartos of 2 oitavos.

##### *Weights.*

100 libras = 101·186 English avoirdupois lbs.

1 quintal = 4 arrobas of 32 arratel or pounds.

#### PRUSSIA.

10 pfennig = 1d.

9 shill, 9 pfennig = 1s.

6 thal 15 shill = 1l.

1 thal = 30 silver groschen; 1 groschen = 12 pfennig.

Gold currency.—Frédéric d'or of 5 thalers.

Silver currency.—2 and 1, thalers, ½, and ⅛ thaler.

Copper currency.—4, 3, 2, and 1 pfennig pieces.

#### WEIGHTS AND MEASURES.

##### *Long Measure.*

100 feet = 102·972 English feet.

100 ells = 72·939 English yards.  
1 ell = 25·5 inches; 1 foot = 12 inches.

*Liquid Measure.*

100 quarts = 25·202 English imperial quarts.

1 fuder = 4 oxhoft (hogsheads) of 1½ ohm of 2 eimer of 2 anker of 30 quarts  
1 hogshhead or 180 quarts.

*Dry Measure.*

100 scheffeln = 18·901 English imperial quarts.

1 scheffel = 16 metzen of 3 quarts.

*Weights.*

100 lbs. = 103·111 English avoirdupois lbs.

1 centner = 110 lbs. of 32 loth of 4 quentchen.

1 shiffslast = 4,000 lbs.

## RUSSIA.

2½ copeks = 1d.

32 copeks = 1s.

6 roubles 33 copeks = 1l.

2 roubles = 100 copeks.

Gold currency.—Ducats of 2½ and double ducats of 4½ roubles; imperials of 10½; ditto of 5 roubles.

Silver currency.—1, ½, and ¼ roubles, and 20, 10, and 5 copek pieces.

Copper currency.—2, 1, ½, and ¼ copeks.

## WEIGHTS AND MEASURES.

*Long Measure.*

100 arschinen = 77·778 English yards.

1 foot = 1 foot.

1 saschen = 3 arschinen.

1 arschine = 16 wersckok.

*Liquid Measure.*

100 stoof = 27·069 English imperial gallons.

1 wedro = 10 stoof; 1 bouteille = ¾ stoof.

1 sarokowaja botschka = 10 wedro.

*Dry Measure.*

1 tschetwert = 0·72185 English imperial quarts.

100 tschetwert = 72·185 English imperial quarts.

13½ tschetwert = 10 English imperial quarts.

1 tschetwert = 2 osmin or 4 pajocks.

1 tschetwert = 8 tschetwerik or 64 garnez.

*Weights.*

100 lbs. = 109·717 English avoirdupois lbs.

1 pud = 40 lbs.; 1 berkowez = 10 pud.

## SAXONY.

10 pf = 1d.

10 groschen = 1s.

6 rd 25 groschen = 1l.

1 thaler or dollar = 30 groschen; 1 groschen = 12 pfennig.

Gold currency.—Ducats of 2 th., 25 gros., august d'or, pistoles of 10, 5 and 2½ th.

Silver currency.—2 and 1 thalers, ½ ditto, 2, 1, ½ groschen.

## WEIGHTS AND MEASURES.

*Long Measure.*

100 feet = 92·912 English feet.

100 ells = 61·790 English yards.

1 Landruche = 8 ells or 16 feet of 12 inches.

*Liquid Measure.*

100 visir kannen = 30,910 English imperial gallons.

100 new kannen = 20·592 English imperial gallons.

1 eimer = 72 kannen of 2 rössel.

1 fass beer = 420 kannen.

*Dry Measure.*

1 winspel = 2 malter, 24 scheffel, 96 viertel, 384 metzen.

*Weights.*

100 lbs. = 103 avoirdupois lbs.

1 centner = 5 stone of 22 lbs.; 1 lb. = 32 loth of 4 quentchen.

**TWO SICILIES.—NAPLES.**

2½ grains = 1d.

30 ditto = 1s.

6 ducati 3 grain = 1l.

1 ducati = 100 grains of 10 cavali.

Gold currency.—Pieces of 6, 4, 2 and 1 ducats, and of 10, 5, 2, and 1 onza.

Silver currency.—Pieces of 12, 10, 6, 5, 4, 3, 2, and 1 carlini; pieces of 66, 61, 26, 24, 13 and 12 grani.

Copper currency.—1 and ½ publica, 1 and ½ grani.

**WEIGTS AND MEASURES.**

*Long Measure.*

100 palmi = 86·507 English feet.

100 canne = 250·687 English yards.

1 canna = 8 palmi; 1 palmi = 12 once.

*Liquid Measure.*

1 barilo = 9·601 English imperial gallons.

1 carro = 2 boti of 12 barili of 60 caraffe.

*Dry Measure.*

100 tomoli = 18·995 English imperial quarters.

1 carro = 36 tomoli; 1 tomolo = 2

mezzetti, or 4 quarti, or 8 stopelli of 3 misure.

*Weights.*

100 rotoli, or 1 cantaro = 196·430 avoirdupois lbs.

1 cantaro = 100 rotoli; 1 rotoli = 33½ once.

**SPAIN.**

$\frac{5}{12}$  real = 1d.

5 reals = 1s.

4 dollars 14 reals = 1l.

Gold currency.—Doblon de a ocho, onza de oro, doblon de a quarto, ½ onza de oro, doblon de oro, escudo de oro.

Silver currency.—Peso duro, fuerto, gordo, peso de a ocho, escudo de plata, pilare, colonnati, saùlen piaster.

Copper currency.—2, 1, and ½ quarto.

**WEIGHTS AND MEASURES.**

*Long Measure.*

100 varas = 92·734 English yards.

100 pies = 92·733 cubit feet.

1 pies = 11·128 cubit inches.

1 pies = 3 pulgados.

*Liquid Measure.*

100 arrobas mayores = 346·66 English imperial gallons.

1 arroba mayore = 3·4665 English imperial gallons.

1 mayo = 16 arrobas; 1 pipa = 27 ditto; 1 botta = 30 ditto; 1 arroba = 8 acumbres; 1 ditto = 4 quartillos.

*Dry Measure.*

100 fanegas = 19·426 English imperial quarters.

1 cahiz = 12 fanegas of 12 celemines of 4 quartillos.

*Weights.*

100 libras = 101·442 English avoirdupois lbs.

1 arroba = 25 libras; 1 libra = 16 onzas, or 128 drachmas, or 256 adarmes, or 9,216 granos.

## SWEDEN.

12 rix dollar banco = 1*l*.

18 „ „ riksgäld = 1*l*.

4½ „ „ specie = 1*l*.

1 rix dollar = 48 shillings; 1 skilling = 12 rundstück.

Gold currency.—Ducats of 94 skill species.

Silver currency.—¼, ½, ¾, and 1½ dollar.

Copper currency.—Slanden of 6, 3, 1 and ½ rundstück.

## WEIGHTS AND MEASURES.

*Long Measure.*

100 feet or fod = 97·410 English feet.

100 ells or aln = 64·940 English yards.

1 fod = 12 tum of 12 linier; 1 aln = 2 fod.

*Liquid Measure.*

100 kanna = 57·603 English imperial gallons.

1 fuder = 2 pipes = 2 oxhufvad = 6 am.

1 am = 12 ambare = 42 ankarn = 360 kanna.

*Dry Measure.*

1 tunna = 0·567 English imperial quarters.

1 tunna = 2 spann; 1 spann = 4 fjerdingar of 16 kappar, or 56 kannor.

*Weights.*

100 lbs. = 93·770 English avoirdupois lbs.

1 centner = 120 lbs.; 1 skeppund = 20 liespund of 20 pund or 400 pund = 1 pund = 32 lod.

## TURKEY.

18 paras = 1*d*.

5½ piastres = 1*s*.

109 piastres = 1*l*.

Silver currency.—Beschliks of 5 and 10 piastres, piastre pieces, and para pieces.

## WEIGHTS AND MEASURES.

*Long Measure.*

1 halebi or arschin = 27 English inches.

*Dry Measure.*

100 kisloz = 11·4 imperial quarters.

8½ kisloz = 1 imperial quarter.

1 fortin = 4 kisloz.

*Fluid Measure.*

100 almud = 115 English gallons.

1 almud = 8 okka.

*Weights.*

90 rotoli = 112 lbs. English, or 1 cwt.

100 okka = 282·28 lbs. avoirdupois.

1 okka = 4 cheks = 400 drams.

1 cantar = 44 okka, or 100 rotoli.

## UNITED STATES.

2 cents. = 1*d*.

24 „ = 1*s*.

4 dollars 80 cents. = 1*l*.

Gold currency.—Eagles of 1 dollar = 100 cents.; 20, 10, 5, 2½, 1 and ½ dollar pieces.

Silver currency.—Dollars, ½ and ¼ ditto; 10 and 5 cent pieces.

Copper currency.—Cents., and ½ ditto.

*The Weights and Measures are the same as the English.*

## ADDENDA.

Home-office, Whitehall, August 1st, 1847.

Regulations by the Secretary of State with reference to Certificates of Naturalization, in pursuance of Statute 7 & 8 Vict., c. 66, entitled "An Act to Amend the Laws relating to Aliens."

I. Upon an application to the Secretary of State for the grant of a Certificate of Naturalization, it will be necessary that the Applicant should present to one of Her Majesty's Principal Secretaries of State a Memorial, praying for such grant, stating :

Of what Friendly State he is a Subject.

His Age, Profession, Trade, or other Occupation.

Whether he is Married, and has any Children.

Whether he has any settled place of Residence, and where situated, and how long he has resided within the Kingdom.

Whether he intends to continue to reside permanently within the United Kingdom.

On what grounds he seeks to obtain the Right and Capacities of a Natural-born British Subject.

II. That the Memorialist should make a Declaration before a Magistrate or other Person authorised to take such Declaration, verifying the statements in his Memorial.

III. That a Declaration should be made and signed by Four Householders, at least, who should state their places of Residence ; vouching for the respectability and loyalty of the Memorialist, verifying also the several particulars stated in the Memorial ; and that this Declaration should be made in due form, either together or separately, before a Magistrate, or other Person authorised by law to receive such Declaration, in pursuance of the Act passed in the 5th and 6th years of His late Majesty King William IV.

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